



**Australian Government**  
**Department of Home Affairs**

# THE HOME AFFAIRS PORTFOLIO

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

## Key Issues

### The Home Affairs Portfolio context

Designed as a federated system, the new Home Affairs Portfolio brings together the Australian Federal Police (AFP), the Australian Border Force (ABF), the Australian Criminal Intelligence Commission (ACIC), the Australian Transaction Reports and Analysis Centre (AUSTRAC) and a new department of state –the Department of Home Affairs– under one senior Cabinet Minister. The Australian Security Intelligence Organisation will move into the Portfolio in a second and final stage, subject to the passage of required legislation in early 2018.

By way of ‘machinery of government’ and other legislative changes, the Portfolio is being implemented in two stages. Stage one of the Home Affairs Portfolio was established on 20 December 2017 bringing together the AFP, ABF ACIC, AUSTRAC and the Department of Home Affairs. Stage two will see ASIO transfer to the portfolio subject to the passage of relevant legislation.

The Portfolio will comprise some 23,500 staff with approximately 9,000 staff from the AFP, ASIO, ACIC and AUSTRAC, and 4,500 from the ABF. The Department of Home Affairs will have approximately 10,000 employees which includes around 900 staff transferring under the machinery of government changes from the Attorney-General’s Department (AGD), the Department of the Prime Minister and Cabinet (PM&C), Department of Social Services (DSS) and the Office of Transport Security (OTS) from the Department of Infrastructure and Regional Development (DIRD).

### The Department of Home Affairs

While the AFP, ASIO, ABF, ACIC and AUSTRAC will retain their operational independence, the Portfolio will be supported by the Department of Home Affairs. The Department will also support the corporate an enabling services of the ABF. The new Department is formed by:

- The entirety of the Department of Immigration and Border Protection;
- National security, law enforcement policy and emergency management from AGD;
- Countering-terrorism and cyber security policy, including the offices of the Counter-Terrorism Coordinator and the Special Adviser on Cyber Security from PM&C;
- Multicultural affairs from the DSS; and
- The OTS from DIRD.

The core functions of the Department will be policy, strategy and planning. It will coordinate agencies’ development and execution of strategies that target national security and law enforcement priorities. Mr Michael Pezzullo was announced as Secretary-designate of the Department of Home Affairs on 7 September 2017. The Department of Home Affairs will lead or support the delivery of policy and/or program responsibilities for a range of national security matters, including:

- criminal justice, law enforcement and community protection
- countering-terrorism policy and coordination
- serious and organised crime policy
- anti-money laundering and counter-terrorism financing
- countering espionage and foreign interference
- countering violent extremism programs

- working with other departments and agencies on programs to create a cohesive, open, inclusive, multicultural and united society
- cyber security strategy, policy and coordination
- immigration and citizenship policy and programs, including visa modernisation
- multicultural affairs
- customs and border protection, including trade facilitation
- transport security
- collection of border-related revenue
- civil maritime security policy and coordination
- identity and biometrics policy and programs
- emergency management, including national coordination of crisis management, disaster recovery, and disaster resilience, and
- critical infrastructure protection.

The Department of Home Affairs will continue to work closely with state and territory governments on emergency management and national security, as well as through key forums such as the Australia – New Zealand Counter-Terrorism Committee (ANZCTC) and the Australia – New Zealand Emergency Management Committee (ANZEMC). The Commonwealth Counter-Terrorism Coordinator currently co-chairs the ANZCTC and will continue to do so under the new Department of Home Affairs.

The Department of Home Affairs will ensure the protection of our border; facilitating legitimate trade and travel; supporting refugee programs; the maintenance of Operation Sovereign Borders; visa and citizenship reforms; critical infrastructure protection; cyber security policy; and countering violent extremism through promoting multicultural and community engagement programs in order to build a safe, secure, resilient and harmonious Australian society.

#### Contact Details

Name: Rachel Noble PSM, Deputy Secretary Executive Group

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)

Secretary

<p>Deputy Secretary Executive Rachel Noble PSM</p> <p>Assistant Secretary Home Affairs Implementation Team Hannah Hansford</p>	<p>Deputy Secretary Policy Deputy Comptroller General Ulrich Stead A/g</p> <p>First Assistant Secretary Immigration &amp; Citizenship Policy David Willden</p> <p>Assistant Secretary Community Protection &amp; Border Policy Brett Schuppan A/g</p> <p>Assistant Secretary Economic Policy Michael Willard</p> <p>Assistant Secretary Humanitarian, Refugees &amp; Citizenship Policy Alice Ung</p> <p>Assistant Secretary Migration, Planning &amp; Design Michael Burre</p> <p>Assistant Secretary Immigration Policy Reform Taskforce Chloe Bird</p> <p>First Assistant Secretary Traveller, Customs &amp; Industry Policy Andrew Chandler A/g</p> <p>Assistant Secretary Traveller John Gibbon</p> <p>Assistant Secretary Transformation Gemma Sabag</p> <p>Assistant Secretary Enterprise Governance Susan Matthew</p> <p>Assistant Secretary Administrative Compliance Review Agnieszka Holland</p>	<p>Deputy Secretary Corporate Chief Operating Officer Steven Grotas A/g</p> <p>First Assistant Secretary Corporate Services Ben Wright</p> <p>Assistant Secretary Payroll &amp; Payments Assistant Secretary Property &amp; Commercial Services Richard Lenard A/g</p> <p>Assistant Secretary FOI, Privacy &amp; Records Management Vibhali Jana</p> <p>First Assistant Secretary People Murali Venugopal</p> <p>Assistant Secretary People Strategy Aishwarya</p> <p>Assistant Secretary People Management David Leonard</p> <p>Assistant Secretary People Services Allison Deiny Collins</p> <p>Assistant Secretary HR Capability &amp; Implementation Anne Leo</p> <p>First Assistant Secretary Finance Stephanie Cardillo A/g</p> <p>Assistant Secretary External Budgets &amp; Revenue Lisa Harris</p> <p>Assistant Secretary Management Accounting Mark Saunders A/g</p> <p>Assistant Secretary Financial Systems Sam Hatherly</p> <p>Assistant Secretary Procurement &amp; Contracts Ian Lavecock</p> <p>First Assistant Secretary Legal (General Counsel) Pip de Veau</p> <p>Assistant Secretary Legislation &amp; Framework Heimura Ringi A/g</p> <p>Assistant Secretary Litigation Margaret Leelan A/g</p> <p>Assistant Secretary Commercial &amp; Employment Law Nicole Ingram A/g</p> <p>Assistant Secretary Legal Advice &amp; Operational Support Steve Wozniak</p> <p>Special Counsel Ian Deane PSM</p> <p>First Assistant Secretary Detention Services David Noctels</p> <p>Assistant Secretary Services Management Assistant Secretary Detention Estate Management Peter Mawmaning A/g</p> <p>First Assistant Secretary Children, Community &amp; Settlement Services Claire Rosenfield A/g</p> <p>Assistant Secretary Community Programmes &amp; Reporting Kerry Kaylor A/g</p> <p>Assistant Secretary Regional Performance Alma Sullivan</p> <p>Assistant Secretary Child Wellbeing Cassandra Koch A/g</p>	<p>Deputy Secretary National Cyber Coordinator Alastair MacGibbon</p> <p>Deputy Secretary Commonwealth Counter-Terrorism Coordinator Tony Sheehan</p> <p>Deputy Secretary Home Affairs Programmes Sadi Wimmer A/g</p> <p>First Assistant Secretary Office of Transport Security Greg Cok A/g</p> <p>Assistant Secretary Aviation Security Angus Kirkwood</p> <p>Assistant Secretary Transport Security Operations Teresa Cremer A/g</p> <p>Assistant Secretary Air Cargo Security Anita Langford A/g</p> <p>Assistant Secretary Risk and International Greg Cox</p> <p>Assistant Secretary Maritime, Fishing &amp; Identity Security Richard Palmer</p> <p>Emergency Management Australia Mark Crossweller</p> <p>Assistant Secretary Crisis Management Rob Cameron</p> <p>Assistant Secretary Disaster Recovery Aaron Verlin</p> <p>Assistant Secretary Disaster Resilience Strategy Luke Brown A/g</p> <p>Critical Infrastructure Centre Sam Chiarl A/g</p> <p>Assistant Secretary Critical Infrastructure Security Andrew Riley A/g</p>	<p>Deputy Secretary Visa &amp; Citizenship Services Malisa Gollightly PSM</p> <p>First Assistant Secretary Visa &amp; Citizenship Management Christine Dacey</p> <p>Assistant Secretary Family &amp; Citizenship Programme Damien Klier</p> <p>Assistant Secretary Temporary Visa Programme Judith O'Neill</p> <p>Assistant Secretary Visa &amp; Citizenship Capability and Support Tania Wilson</p> <p>Regional Director NSW/ACT Lesley Dalton</p> <p>Regional Director QLD Steve Biddle</p> <p>Regional Director Central Jane Sansom</p> <p>Regional Director WIC/TAS Peter Van Vliet</p> <p>Senior Director Samantha Palub</p> <p>Assistant Secretary Economic &amp; Skilled Visa Programme Robyn Legg</p> <p>First Assistant Secretary Refugee &amp; Humanitarian Management Luke Mansfield</p> <p>Assistant Secretary Humanitarian Programme Operations Frances Finley PSM</p> <p>Assistant Secretary Humanitarian Programme Capabilities Miranda Lauman</p> <p>First Assistant Secretary Community Protection Kaylene Zalharoff</p> <p>Assistant Secretary Status Resolution Sally Pfeiffer A/g</p> <p>Assistant Secretary Character Assessment &amp; Cancellations Janine Jones</p> <p>Assistant Secretary Caseload Assurance Peter Richards</p> <p>First Assistant Secretary Visa Delivery Transformation Andrew Keiford</p> <p>Assistant Secretary Channel Strategies &amp; Management Benelle Foster</p> <p>Assistant Secretary Migration Partnership Tara Campbell</p> <p>Senior Director Immigration Reform Implementation Office Victoria Benz</p>	<p>Deputy Secretary Intelligence and Capability Marie Fernandez PSM</p> <p>First Assistant Secretary Intelligence Cameron Ashie</p> <p>Assistant Secretary Intelligence Support Dominique Poldwin</p> <p>Assistant Secretary National Intelligence Adam Meyer</p> <p>Assistant Secretary Intelligence Development Jeff Garige</p> <p>Assistant Secretary Border Intelligence Fusion Centre Lynn Moore</p> <p>Senior Director Strategic Assessments &amp; Intelligence Management Brad Malone</p> <p>First Assistant Secretary ICT/CIO Lynn White A/g</p> <p>Assistant Secretary Intelligence, Identity &amp; Biometrics Systems Thomas Bryan</p> <p>Assistant Secretary Visa, Citizenship &amp; Biometrics Systems Renata Colner A/g</p> <p>Assistant Secretary Traveller, Customs &amp; Trade Systems Ben Slaughter</p> <p>Assistant Secretary Corporate &amp; Case Systems Gavin Wallace A/g</p> <p>Assistant Secretary Technology Operations &amp; Support Sean Hugo</p> <p>First Assistant Secretary Major Capability Michael Milford, AM</p> <p>Assistant Secretary Business Engagement &amp; PMO Rhye Goodwin</p> <p>Assistant Secretary Strategy Architecture &amp; Innovation Rudi Kovacevic</p> <p>Assistant Secretary Sourcing &amp; Vendor Management Diane Stokes</p> <p>Assistant Secretary Operational Capability Jennifer Barsdaley</p> <p>First Assistant Secretary Identity and Biometrics Joe Franzl</p> <p>Assistant Secretary Identity &amp; Biometrics Capability Paul Cross</p> <p>Assistant Secretary Identity &amp; Biometrics Specialist Michael Minnis</p> <p>Assistant Secretary Identity and Biometrics Michael Prahov</p> <p>Assistant Secretary Identity and Biometrics Andrew Rice</p> <p>Senior Director Identity &amp; Biometrics Management Anna Lutz</p>	<p>Deputy Secretary National Cyber Coordinator Alastair MacGibbon</p> <p>Deputy Secretary Commonwealth Counter-Terrorism Coordinator Tony Sheehan</p> <p>Deputy Secretary Home Affairs Programmes Sadi Wimmer A/g</p> <p>First Assistant Secretary Office of Transport Security Greg Cok A/g</p> <p>Assistant Secretary Aviation Security Angus Kirkwood</p> <p>Assistant Secretary Transport Security Operations Teresa Cremer A/g</p> <p>Assistant Secretary Air Cargo Security Anita Langford A/g</p> <p>Assistant Secretary Risk and International Greg Cox</p> <p>Assistant Secretary Maritime, Fishing &amp; Identity Security Richard Palmer</p> <p>Emergency Management Australia Mark Crossweller</p> <p>Assistant Secretary Crisis Management Rob Cameron</p> <p>Assistant Secretary Disaster Recovery Aaron Verlin</p> <p>Assistant Secretary Disaster Resilience Strategy Luke Brown A/g</p> <p>Critical Infrastructure Centre Sam Chiarl A/g</p> <p>Assistant Secretary Critical Infrastructure Security Andrew Riley A/g</p>
--	---	---	--	---	---	--

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

Minister for Home Affairs  
Peter Dutton  
Deputy Minister for Home Affairs  
Pauline Hanson  
Deputy Chief of Staff  
Libby Caplice A/g  
Assistant Secretary  
Leonie Nowland

**Commissioner**  
Michael Outram APM A/g

Deputy Commissioner  
**SUPPORT**  
Mandy Newton APM

Commander  
**ABF Home Affairs Implementation Team**  
Erin Dale

Assistant Commissioner  
**Border Management**  
Jim Williams

Commander  
**Operational Strategies**  
Bill Reis

Commander  
**Customs Compliance**  
Stephen Hledik A/g

Commander  
**Immigration Compliance**  
Don Smith

Chief Superintendent  
**Trusted Trader Programme**  
Sneha Chatterjee

Assistant Commissioner  
**Border Force Capability**  
Stephen Hayward

Commander  
**Air & Marine Capability**  
Fatime Shyqr

Commander  
**Marine Workforce Capability**  
Danielle Yannopoulos

Commander  
**ABF College & Workforce Capability**  
Rachel Houghton

Chief Superintendent  
**ABF College**  
Gavin Dimond A/g

Chief Superintendent  
**ABF 2020 Alignment**  
Sue Drennan

First Assistant Secretary  
**Children, Community & Settlement Services**  
Claire Roennfeldt A/g

Assistant Secretary  
**Community Programmes & Reporting**  
Kerry Raynor A/g

Assistant Secretary  
**Regional Processing & Performance**  
Alana Sullivan

Assistant Secretary  
**Child Wellbeing**  
Cassandra Koch A/g

First Assistant Secretary  
**Health Services & Policy | CMO | Surgeon General**  
Libby Hampton

Assistant Secretary  
**Immigration Health | Deputy Chief Medical Officer**  
Lila Caplice A/g

Assistant Secretary  
**Health Engagement Strategy & Planning**  
Dr Leonie Nowland

First Assistant Secretary  
**Detention Services**  
David Nockels

Assistant Secretary  
**Services Management**  
Lee-anne Monterosso

Assistant Secretary  
**Detention Estate Management**  
Peter Manwaring A/g

co-located with ABF, reporting to Department

Deputy Commissioner  
**OPERATIONS**  
Clive Murray A/g

Commander  
**Maritime Border Command**  
RADM Pete Laver, RAN

Chief of Operations  
AIRCDRE Andrew (Jake) Campbell

ABF Commander  
**Deputy Commander MBC**  
Craig Sommerville

Assistant Commissioner  
**Strategic Border Command**  
Jo Crooks A/g

Commander  
**Operations**  
Claire Rees A/g

**Regional Commands**

Regional Commander  
**NSW**  
Tim Fitzgerald

Regional Commander  
**VIC/TAS**  
James Watson

Regional Commander  
**QLD**  
Terry Price

Regional Commander  
**WA**  
Rod O'Donnell

Regional Commander  
**Central**  
Karen Hacker A/g

Chief Superintendent  
**SA**  
Brett Liebich

Assistant Commissioner  
**Detention & Offshore Operations Command**  
Kingsley Woodford-Smith

Commander  
**Detention Operations**  
Vanessa Holben

Commander  
**Offshore Operational Coordination**  
Budhy Tanddo A/g

Assistant Commissioner  
**Enforcement Command**  
Sharon Huey

Commander  
**ABF Investigations**  
Mark Antill

Commander  
**Specialist Investigations & Coordination**  
Penny Spies A/g

Commander  
**Field and Removal Operations**  
Robyn Miller

Commander  
**OSB JATF**  
AVM Stephen Osbourne

Chief Superintendent  
**Deputy Commander OSB JATF**  
Tharanie Vithanage



**Australian Government**  
**Department of Home Affairs**

# SENIOR EXECUTIVE BIOGRAPHIES

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



## Michael Pezzullo, Secretary

Michael Pezzullo is the Secretary of Home Affairs.

Michael Pezzullo was appointed as the Secretary of the Department of Immigration and Border Protection with effect 13 October 2014.

Prior to this, Mr Pezzullo was Chief Executive Officer of the Australian Customs and Border Protection Service from February 2013 and acted in the role from September 2012. Mr Pezzullo first joined the Service as the Chief Operating Officer in July 2009. In that role, he was responsible for offshore maritime security, border-related intelligence, national security and law enforcement programmes, integrity and professional standards, and corporate operations. As principal deputy, he chaired the Service's Operations Committee and acted as CEO when required.

Prior to joining the Service, he was Deputy Secretary Strategy in the Department of Defence—a position to which he was appointed in January 2006. In this position, he was responsible for defence strategy and planning, force structure development, the strategic policy aspects of Australian Defence Force operations, Defence's international security relationships, and the delivery of national security programmes in areas such as export controls, counter-proliferation and Defence cooperation with other countries. He also had oversight of the Department's ministerial support and public affairs programmes.

Mr Pezzullo joined the Department of Defence as a graduate in 1987. He worked in Defence until 1992 in a variety of strategic policy and intelligence positions. He then transferred to the Department of the Prime Minister and Cabinet, where he worked in the International Division.

In March 1993, he joined the staff of the Foreign Minister, Senator the Hon Gareth Evans QC. He remained in Parliament House until December 2001, including serving five years as Deputy Chief of Staff to the Leader of the Opposition, the Hon Kim Beazley MP.

In February 2002, he rejoined the Department of Defence as an Assistant Secretary in the Corporate Services and Infrastructure Group (now Defence Support Group). In March 2004, he was promoted to the position of Head Infrastructure. In July 2004, he was transferred into the newly formed role of Chief Of Staff Australian Defence Headquarters and Head of Coordination and Public Affairs Division.

Between February 2008 and May 2009 he led the Defence White Paper team and was also the principal author of the 2009 Defence White Paper.

Mr Pezzullo has a BA (Hons) in History from Sydney University. He enjoys being with his family, cricket and rugby league, and reading (anything on military history, international relations, intelligence, and political biography for starters).



## Rachel Noble PSM, Deputy Secretary, Executive Group

Rachel Noble is Deputy Secretary Executive Group.

Rachel joined the Australian Customs and Border Protection Service (ACBPS) in May 2013 as the National Director Intelligence and Chief Information Officer. Her previous role was as First Assistant Secretary Ministerial and Executive Coordination and Communication, at the Department of Defence, where she was responsible for providing advice on Parliamentary, media, information management, records management policy, FOI and executive coordination issues.

Prior to rejoining Defence, Rachel was the National Security Chief Information Officer and Cyber Policy Coordinator in Prime Minister and Cabinet, responsible for improving information sharing among the national security community and coordinating whole of government policy on cyber. Rachel received a Public Service Medal for this work.

Rachel previously held several SES positions in the Department of Defence including Assistant Secretary Governance, responsible for the overall governance and assurance framework for Defence; Assistant Secretary Americas, North and South Asia, Europe in the International Policy Division, and Deputy Chief of Facility at the Joint Defence Facility Pine Gap.

Rachel has also worked for the Bureau of Meteorology on international policies to address global climate change and started her career in private industry working for Optus.

Rachel has a Masters of Business Administration in Technology Management and a Bachelor of Science with Honours.



## Linda Geddes, A/g Deputy Secretary Policy Group

Ms Geddes is acting Deputy Secretary Policy Group.

Prior to this role, Ms Geddes was responsible for leading the external engagement on the Government's immigration reforms.

Ms Geddes was previously the First Assistant Secretary for the Traveller, Customs and Industry Policy Division, responsible for leading the development and delivery of policy and strategy for the movement of people and goods across Australia's border. Of particular note, Ms Geddes led the delivery of the Australian Trusted Trader Programme which was launched on 1 July 2016.

Ms Geddes has performed a number of roles across intelligence, corporate and policy areas. Ms Geddes has worked in the Department of the Prime Minister and Cabinet, the Office of National Assessments, Defence Intelligence, the Australian Defence Force and the National Library of Australia.



## Steven Groves, Chief Financial Officer, A/g Chief Operating Officer

Steven Groves is the Chief Finance Officer (CFO) and is currently acting as the Chief Operating Officer.

Before being appointed as the CFO, Steven was leading an ACBPS Taskforce on Revenue and Trade Crime. Prior to that role he was the CFO at the Australian Customs and Border Protection Service since 2008.

Prior to Customs, Steven was CFO at the Department of Veterans Affairs from 2007 – 2008.

Prior to Veterans Affairs, Steven spent 8 years in corporate accounting roles at the Australian Taxation Office leading at various times the Management Accounting and Financial Operations Branches. During this time, he worked directly to the CFO in a deputy CFO role.

Steven has extensive experience in executive and leadership positions within the Commonwealth Public Service with over 16 years working in predominantly in senior corporate finance roles.

Steven graduated in 1994 from the James Cook University, in Townsville with a Bachelor of Commerce. Steven is a fellow of CPA Australia and has completed a number of post graduate courses.

After a short stint in the private sector, Steven joined the public service through the Graduate Administrative Assistant (GAA Program) with the then Spectrum Management Agency (SMA) in Canberra. Steven worked at the SMA, which later became the Australian Communications Authority, for 5 years before joining the ATO.

Steven grew up in Townsville, North Queensland and is married with two kids s22(1)(a)(ii)



## Maria Fernandez, Deputy Secretary Intelligence and Capability Group

Maria Fernandez is Deputy Secretary Intelligence and Capability Group.

Maria Fernandez commenced in the role of Deputy Secretary Intelligence and Capability Group on 27 April 2015. Maria joined the Department's leadership team from Defence where from June 2012 she was Director of the Australian Geospatial-Intelligence Organisation. In this role Maria was responsible for the provision of geospatial-intelligence to Government, the Australian Defence Force and National Security Agencies for Operational and Contingency Support, National Security purposes and Emergency Management support.

Prior to this, Maria was First Assistant Secretary Capability, Investment and Resources Division, Capability Development Group. In this role she was responsible for the management of the Defence Capability Plan (major capital equipment plan of \$260 billion over 10 years) and the provision of independent advice to the Chief of the Defence Force and the Secretary of Defence on capability related matters, including the overall balance of investment on current and future capability and major investment proposals and priorities.

Maria served as the Australian Signals Directorate (ASD) Deputy Director Intelligence responsible for the provision of all signals intelligence for Defence and National Security purposes. She has considerable experience in the Defence portfolio, principally at the strategic level. Prior to joining ASD she was First Assistant Secretary Defence White Paper responsible for the overall management of several reviews into the enabling and support functions of the Defence organisation and for the coordination of the costing of the 2009 Defence White Paper.

For several years Maria served as Chief of Staff to the Minister for Defence where she worked closely with the Defence senior leadership to deliver several significant outcomes in the acquisition of a number of major capabilities, favourable changes to Defence funding arrangements and important policy changes in the areas of Defence Industry and Australian Defence Force (ADF) recruitment and retention. Maria also served as Chief of Staff to the Minister of Education, Science and Training where again she worked closely with the senior leadership to deliver significant education policy initiatives. Prior to this she held several SES positions in the Higher Education Group of the Department of Education, Science and Training.

Maria spent several years as a senior consultant and manager with a software development firm and worked in the United Kingdom for two years consulting to the UK government on the design, development and implementation of financial systems.

Maria is a graduate of the Harvard Business School Advanced Management Program.

Maria is married with two sons and enjoys skiing, travelling and spending time with her family. Born in Spain, she speaks Spanish.



## Malisa Golightly PSM, Deputy Secretary Visa and Citizenship Services Group

Malisa is Deputy Secretary Visa and Citizenship Services.

Malisa joined the Department of Immigration and Border Protection (DIBP) in August 2017 and is currently the Deputy Secretary of Visa and Citizenship Services Group, with end-to-end responsibility for visa and citizenship programs, including service delivery and decision-making spanning the visa and citizenship life cycle, from pre-lodgement, application, visa grant or refusal, visa cancellation, and conferral and revocation of citizenship. Malisa is also responsible for the administration of the Refugee and Humanitarian Program and the Department's visa delivery transformation.

Prior to joining DIBP, Malisa was in the Human Services Portfolio for over seven years and held a variety of Deputy Secretary roles in relation to effective and efficient administration and delivery of social services and health programmes.

Prior to this, Malisa held senior positions within the Australian National Audit Office and the Department of Education, Employment and Workplace Relations, including the position of Deputy Secretary Employment from 2004 to 2010.

Malisa has a Bachelor of Business Degree and is a fellow of CPA Australia. Malisa was awarded a Public Service Medal in the Queens Honours List on 14 June 2010 for outstanding public service in leading the successful implementation of Job Services Australia.



## Alastair MacGibbon – Deputy Secretary Commonwealth Cyber Coordinator

Alastair MacGibbon was appointed the first Special Adviser to the Prime Minister on Cyber Security in May 2016. In this role, he provides national leadership and advocacy on cyber security policy and the implementation of the Government's Cyber Security Strategy. The Special Adviser also ensures effective partnerships between Australian Governments, the private sector, non-governmental organisations, the research community and international partners.

Working closely with the Ambassador for Cyber Issues and the Australian Cyber Security Centre Coordinator, the Special Adviser sets clear objectives and priorities to Government's operational cyber security agencies and oversees their

Mr MacGibbon was Australia's first Children's eSafety Commissioner. He led online safety education and protection for Australian children and young people, and managed complaints about offensive or illegal online content.

Mr MacGibbon worked for 15 years as an Agent with the Australian Federal Police, including as the founding Director of the Australian High Tech Crime Centre. Along with private sector roles such as Senior Director of Trust, Safety and Customer Support at eBay, Mr MacGibbon was a Director of the Centre for Internet Safety at the University of Canberra.



## Tony Sheehan, Deputy Secretary, Commonwealth Counter-Terrorism Coordinator

Tony Sheehan was appointed Commonwealth Counter-Terrorism Coordinator in September 2016 and is responsible for coordinating and implementing Australia's counter-terrorism arrangements in close partnership with the States and Territories.

Most recently, Mr Sheehan served as a Deputy Director-General in ASIO. Prior to this, he was a Deputy Secretary in the Attorney-General's Department and First Assistant Secretary Homeland and Border Security in PM&C.

Mr Sheehan spent 19 years in the Foreign Affairs and Trade portfolio. This period included overseas postings to Taipei, Beijing and Jakarta and then a number of SES positions in Canberra with responsibilities for counter terrorism, people smuggling and other transnational issues.

Mr Sheehan is a graduate of Monash University. He majored in Mandarin.



## Michael Outram APM, A/g ABF Commissioner

Michael Outram is the acting ABF Commissioner.

Michael joined the Immigration and Border Protection Portfolio on 9 March 2015 and was sworn in as a Deputy Commissioner of the Australian Border Force (ABF) on 1 July 2015. Michael leads the Operations Group, which is responsible for compliance and enforcement operations relating to the movement of travellers and goods throughout the border continuum, including on-shore detention operations.

Michael brings to the ABF over 30 years of law enforcement experience in a diverse range of specialised areas, including community policing, covert operations, criminal intelligence, protective and major event security, public order management, and the investigation of terrorism, transnational organised crime, corruption and other serious crime types.

Prior to joining the Department, from 2011 Michael served as an Assistant Commissioner with the Australian Federal Police (AFP) and had responsibility for the AFP's national protection function. He was responsible for the delivery of a range of protective services including close personal protection, the National Witness Protection Program, uniform protection and special event planning. Michael also led the AFP's operational work in support of the G20 Summit in Brisbane in 2014, and in the immediate aftermath of the downing of Malaysian Airlines Flight 17 over the Ukraine in 2014, Michael led the AFP's operational response in conjunction with a range of Commonwealth and international partners.

Michael has also worked at the national and international level in relation to establishing and overseeing joint agency investigations, intelligence operations and task forces dealing with serious organised crime; in 2004 Michael was appointed as Executive Director, Serious and Organised Crime, at the Australian Crime Commission (ACC), where he was responsible for the investigative and intelligence functions of the Agency. Michael played a leading role in developing and implementing national approaches for managing crime targets and with peers from the AFP and ATO, established Operation Wickenby in 2004, which created a framework for future joint agency operations, which led to significant recovery of revenue and behavioural in the sector.

Following a secondment to the New South Wales Police Service in 2000, Michael migrated to Australia in 2002 and commenced work at the Independent Commission Against Corruption in NSW as the Executive Director Strategic Operations, with responsibility for investigations and intelligence operations targeted towards enhancing corruption resistance across the sector.

Michael commenced his law enforcement career with the London Metropolitan Police Service (MPS) in 1980, where he spent 20 years in a variety of areas and leadership roles, including serving at Scotland Yard's Specialist Operations Department. He served as a detective from 1989 to 2002, rising to the rank of Detective Chief Inspector in the Anti-Corruption Command, Anti-Terrorism Branch and Major Investigation Teams.

Michael was awarded the Australian Police Medal in 2014 in recognition of his outstanding service in law enforcement. In 2014 he was also awarded a Master of Business & Technology degree by the University of New South Wales and won a university prize for academic achievement. Michael was the AFP's Disability Champion and commenced as the Department's Disability Champion in March 2015. Michael is committed to increasing representation in the workforce for people with disabilities and is a firm believer in the significant advantages that workforce diversity brings to any organisation.



## Michael Phelan APM Chief Executive Officer, Australian Criminal Intelligence Commissioner

Mr Phelan was appointed to the Australian Federal Police (AFP) in 1985 and during his career has worked in a variety of fields, including community policing, narcotics and serious fraud.

In 2000 he took up the position as the AFP's Senior Liaison Officer in Manila. On his return in 2002, he was promoted to the Senior Executive Service in the AFP's Brisbane Office.

Mr Phelan was appointed Director of the Australian High Tech Crime Centre in 2004, and later that year, was promoted to Assistant Commissioner and undertook the role of National Manager Border and International Network.

In September 2007, Mr Phelan was appointed as the Chief Police Officer for the Australian Capital Territory and in 2010 was promoted to Deputy Commissioner, taking up the role of Deputy Commissioner Close Operations Support overseeing the portfolios of High Tech Crime, Forensics and Intelligence.

In July 2013, Mr Phelan commenced as Deputy Commissioner Operations where he was responsible for the Crime Operations and Serious & Organised Crime portfolios including the AFP's Overseas Network of agents.

In November 2014, Mr Phelan commenced the role of Deputy Commissioner National Security where he was responsible for Counter-Terrorism Operations and Protection Operations.

On the 13th November 2017, Mr Phelan was appointed Chief Executive Officer of the Australian Criminal Intelligence Commission and Director of the Australian Institute of Criminology.

Mr Phelan is currently a member of the Australian National Advisory Council on Alcohol and Drugs (ANACAD) and has previously held positions on the Boards of the Australian Crime Commission, Crimtrac and the Australian and New Zealand Police Advisory Agency. Mr Phelan also served as a member of the ACT Law Reform Advisory Council.

Mr Phelan was awarded the Australian Police Medal in 2008 and holds a Degree in Commerce, an Honours Degree in Law and a Masters in Business Administration from Melbourne Business School.



## Andrew Colvin APM OAM Commissioner of the Australian Federal Police

Commissioner Andrew Colvin is a career police officer, having joined the AFP in 1990. He spent the majority of his early investigational career within the AFP's Sydney Office where he progressed through the ranks of the organisation investigating a range of serious and organised crime offences, particularly narcotic importations, money laundering, politically motivated crime and terrorist financing.

Between 2002 and 2005 Andrew coordinated the national and international aspects of the AFP's response to terrorism, including the 2002 Bali bombings, 2003 Jakarta Marriot bombing and the 2004 Australian Embassy bombing. This was followed by leadership opportunities as AFP Chief of Staff, National Manager of High Tech Crime Operations and a number of Deputy Commissioner roles.

In 2003 Andrew was awarded the Order of Australia medal for his contribution to the investigation of the Bali bombings and Australia's counter terrorism frameworks and in 2008 he was named in the Queen's Birthday honours list and awarded the Australian Police Medal.

Andrew holds a Masters in Public Administration from the Harvard Kennedy School of Government, attained in 2010, and was appointed the AFP's 7th Commissioner in October 2014.

He is a passionate advocate for the role of policing in society and in government and is a Male Champion of Change – striving to achieve significant and sustainable increases in the representation of women in leadership positions.

Andrew is married with two children.



## Nicole Rose PSM, Chief Executive Officer Australian Transaction Reports and Analysis Centre (AUSTRAC)

Nicole Rose commenced her role as AUSTRAC's Chief Executive Officer on 13 November 2017 following her role as the Acting Chief Executive Officer at the Australian Criminal Intelligence Commission.

Ms Rose also served as the Deputy Secretary, Criminal Justice Group in the Attorney-General's Department—a role she commenced on 3 April 2017.

Before taking on this role Ms Rose was Chief Executive Officer of CrimTrac until it merged with the ACC to form the ACIC on 1 July 2016.

Ms Rose was previously the Director of the Office of the NSW Police Commissioner, a position she held from 2007. Before joining the NSW Police Force in 2004, Ms Rose worked in several New South Wales public sector departments including the Premier's Department, the Ministry for Police, and the Serious Offenders Review Council within the Department of Corrective Services.

In 2013 Ms Rose was awarded the Public Service Medal for services to policing. She has tertiary qualifications in Business and Management and recently completed the Vincent Fairfax Fellowship in Ethical Leadership at Melbourne University.



## Duncan Lewis AO, DSC, CSC

Duncan joined the Australian Army after schooling in Western Australia, and graduated from the Royal Military College Duntroon, in 1975. A career in the military, spanning 33 years, followed. Duncan commanded at all levels, including command of the Special Air Service Regiment. He served with the United Nations during the 1982 Lebanon War and on operations in East Timor. His last military appointment was as a Major General, Special Operations Commander Australia, where his forces were engaged in operations in Iraq and Afghanistan.

In 2005, Duncan joined the Australian Public Service. His initial appointment was as First Assistant Secretary of the National Security Division within the Department of the Prime Minister and Cabinet. Later that year, he was promoted to Deputy Secretary and in 2008 he was appointed as an Associate Secretary, where he led the National Security and International Policy Group and contributed to the Department's broader leadership team as a member of its executive.

From December 2008, Duncan served as Australia's inaugural National Security Adviser. Duncan was the Prime Minister's principal source of advice on all national security matters. He had responsibility for the strategic leadership of the national security community, as well as the coordination of national security policy development and crisis response. During this period he chaired the National Intelligence Coordination Committee.

In 2011, building on almost four decades of experience in the defence and national security communities, Duncan was appointed Secretary of the Department of Defence.

Late in 2012, Duncan was appointed Ambassador to Belgium, Luxembourg, the European Union and NATO. On 15 September 2014, Duncan was appointed Director-General of Security and head of the Australian Security Intelligence Organisation.

Duncan was awarded Officer of the Order of Australia in 2005, for his service as the inaugural Special Operations Commander Australia.

He holds a Bachelor of Arts degree from the University of NSW and a Graduate Diploma in Defence Studies and Management, from Deakin University. He is a graduate of the British Army Staff College and the United States Army War College. He is fluent in Indonesian.



**Australian Government**  
**Department of Home Affairs**

# OVERVIEW OF PORTFOLIO SENIOR GOVERNANCE FRAMEWORK

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

## Key Issues

### Overview of governance arrangements

- Independent Portfolio agencies will continue to operate their own internal governance committees, as Commonwealth entities under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), including their own independent audit committees.
- Recognising the role of the Australian Border Force (ABF) as an independent operational agency within the Department of Home Affairs, the governance and working committees of the Department and the ABF contain linkages through their membership and operations that permit the Secretary to properly acquit his PGPA Act responsibilities. The Department of Home Affairs Audit Committee will cover the operation of the Department and the ABF.
- Department of Home Affairs governance arrangements include the following key departmental decision-making bodies; providing a cascading link from the Secretary Home Affairs to the Executive Committee, the Enterprise Operations Committee and supporting bodies:
  - **Secretary of the Department of Home Affairs** - The Accountable Authority of the Department under the PGPA Act. This position provides authority for the governance model and can delegate decision-making to chairs of committees.
  - **Audit Committee** – Section 45 of the PGPA Act requires the Secretary to ensure the Department has an Independent Audit Committee.
  - **Executive Committee (EC)** – The Department of Home Affairs' top level decision-making body, that sets strategy and direction, and provides delegation to lower level Departmental committees. EC focuses on major threats, risks, issues of budget and cross-portfolio high level strategy and priorities.
  - **Enterprise Operations Committee (EOC)** – Responsible for managing and monitoring organisational performance and priorities.
- These arrangements ensure strategic alignment is maintained between operational functions and the Department's policy, program and support functions.

### Background

- The PGPA Act sets out requirements for the governance, reporting and accountability of Commonwealth entities, and for their use and management of public resources. It vests many of the powers and responsibilities for the financial management of a Commonwealth entity in the hands of the Accountable Authority, and sets out a series of duties that they must meet.
- Following the Prime Minister's announcement of 18 July 2017 to establish the Department of Home Affairs and Home Affairs Portfolio, enterprise governance arrangements for the new portfolio have been developed based on the provisions of the PGPA Act, recommendations from a 2017 Deloitte review into the Department's governance arrangements, and information gathered from other government agencies. The model is a key control to mitigate *Enterprise Risk 7 – Enterprise decision-making is inadequate or ineffective*.

## Attachments

Attachment A –  
Draft Department of Home Affairs and Portfolio Governance and Engagement Arrangements

**Contact Details**

Name: Steven Groves, Acting Deputy Secretary Corporate / Chief Operating Officer

Phone: (w) 02 §. 22(1)(a)(ii) (m) §. 22(1)(a)(ii)

# Department of Home Affairs and Portfolio Governance and Engagement Arrangements



Minister for Home Affairs

## Decision-making



**Secretary – Department of Home Affairs**

*The Accountable Authority under the PPA Act (PPAA decision maker for the Department). This position provides authority for the governance model and delegates decision making to chairs for certain committees.*



**Independent Audit Committee**

### Executive Committee (EC)

- Secretary (Chair)
  - ABF Commissioner
  - Commonwealth Coordinators
  - Deputy Secretaries
  - Deputy Commissioners
  - FAS Executive, FAS ESRP, CFO, FAS ISA, General Counsel, FAS ABF Business Services
  - Advisers, as required
- Bi-monthly (February, April, June, August, October, December)
  - Top level decision-making body that sets strategy and direction, and provides delegation to lower level Departmental committees.
  - Focuses on major threats, risks, issues of budget and cross-portfolio high level strategy and priorities.
  - EC may on occasion call items from sub-committees for higher level consideration.

### Daily Coordination

<ul style="list-style-type: none"> <li>Secretary</li> <li>Commonwealth Coordinators</li> <li>Deputy Secretaries</li> <li>DC Support or delegate</li> <li>FAS Executive</li> </ul>	Daily	Supported by a daily issues brief
---	-------	-----------------------------------

### Strategic Coordination

<ul style="list-style-type: none"> <li>Secretary</li> <li>Commonwealth Coordinators</li> <li>Deputy Secretaries</li> <li>DC Support or delegate</li> <li>FAS Executive, FAS ESRP, CFO, General Counsel, FAS ISA, FAS ABF Business Services</li> </ul>	Weekly	Supported by a strategic coordination report
---	--------	--

### Enterprise Operations Committee

- Deputy Secretary Executive (Chair)
  - Commonwealth Coordinators
  - All Deputy Secretaries
  - DC Support or delegate
  - FAS Executive, FAS ESRP, CFO, General Counsel, FAS ISA, ABF Business Services Manager
  - Advisers, as required
- |   |         |
|---|---------|
| <ul style="list-style-type: none"> <li>Managing and monitoring performance of the organisation, including:                             <ul style="list-style-type: none"> <li>Organisational performance and priorities</li> <li>Financial</li> <li>People, including integrity</li> <li>Risk and assurance</li> <li>Capability planning, resourcing and delivery</li> <li>ICT</li> <li>Identity and intelligence</li> </ul> </li> <li>Reports to EC</li> </ul> | Monthly |
|---|---------|

Visa and Citizenship Steering Committee  
*Deputy chaired*

Capability Delivery Steering Committee  
*Deputy chaired*

Risk Steering Committee  
*Deputy chaired*

People & Integrity Steering Committee  
*\* Revised committee  
Deputy chaired (currently FAS chair)*

Immigration Reform Steering Committee  
*Deputy chaired*

Capability Planning & Resources Steering Committee  
*CFO and FAS SPD co-chaired*

Status Resolution Steering Committee  
*Deputy co-chaired*

Intelligence & Identity Steering Committee  
*Deputy chaired*

Technology & Enabling Steering Committee  
*Deputy chaired*

### External Oversight

**External Scrutiny**

- ANAO
- Commonwealth Ombudsman
- AHRC
- ACLEI
- IGIS
- Inspector of Transport Security

### Coordination and Advisory

**External Advisory**

- MCASD
- MACSM
- AGDMC
- NCTF

**Cross-Government Coordination**

- Bi-laterals (with key Commonwealth agencies)
- HOCOLEA
- IDGs

**Internal Advisory**

- SAC
- LPAC

Executive Body with a Statutory Head

Commissioner, ABF

Accountable Authority under the PPA Act

Chief Executive Officer, ACIC

Commissioner, AFP

Director-General of Security, ASIO

Chief Executive Officer, AUSTRAC

Last updated: 15/12/2017 Version: 0.17



**Australian Government**  
**Department of Home Affairs**

# ACRONYM LIST

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

## Key Issues

### Acronym List

Acronym	Definition
ABF	Australian Border Force
ACC	Australian Crime Commission
ACIC	Australian Criminal Intelligence Commission
AFP	Australian Federal Police
AGD	Attorney-General Department
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
ASIC	Aviation Security Identification Card
ASIO	Australian Security Intelligence Organisation
ASL	Average Staffing Level
ATSA	Aviation Transport Security Act
ATSR	Aviation Transport Security Regulation
AUSTRAC	Australian Transactions Reports and Analysis Centre
CBA	Commonwealth Bank of Australia
CCTC	Centre for Counter-Terrorism Coordination
COAG	Council of Australian Governments Meeting
CT	Counter-Terrorism
CVE	Countering Violent Extremism
DFAT	Department of Foreign Affairs and Trade
DIBP	Department of Immigration and Broder Protection
HOCOLEA	Heads of Commonwealth Operational Law Enforcement Agencies
INSLM	Independent National Security Legislation Monitor
MHA	Minister for Home Affairs
MSIC	Maritime Security Identification Card
MTOFSA	Maritime Transport and Offshore Facilities Security Act
MTOFSR	Maritime Transport and Offshore Facilities Security Regulation
MYEFO	Mid-year Economic and Fiscal Outlook
NCIS	National Criminal Intelligence System
NORS	National Order Reference System
NPP	New Policy Proposal
NSC	National Security Committee of Cabinet
OECD	Organisation for Economic Co-operation and Development
OTS	Office of Transport Security
PAPP	PPATK-AUSTRAC Partnership Program
PERSEC	Personnel Security
PJCIS	Parliamentary Joint Committee on Intelligence and Security
PM&C	Prime Minister & Cabinet
PNG	Papua New Guinea
PPATK	Pusat Pelaporan Dan Analisis Transaksi Keuangan
RPNGC	Royal Papua New Guinea Constabulary
SCNS	Secretaries' Committee on National Security
SEA	South East Asia

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



**Australian Government**  
**Department of Home Affairs**

# PERSONAL MINISTERIAL POWERS

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

## Key Issues

This brief lists a selection of powers under a selection of Acts administered by the portfolio – those powers being powers which, under the relevant legislation, need to be exercised by the Minister personally, in that they relate to national interest or public interest or powers otherwise to be exercised by the Minister personally.

## Migration Act

### Public Interest Powers

- The main ‘ministerial intervention’ powers under the *Migration Act 1958* (the Act) give the Minister a non-compellable discretion to substitute a more favourable decision for a decision made by the Administrative Appeals Tribunal (AAT), where the Minister believes that it is in the public interest.
- Ministers have issued guidelines to the Department to illustrate the types of circumstances where they may wish to consider the exercise of specific non-compellable intervention powers under the Act.
- These powers include:
  - section 351 – the Minister may substitute a decision of the Migration and Refugee Division of the AAT (for example to affirm a decision to refuse to grant a visa) in relation to a decision reviewable under Part 5 of the Act (which relates to non-protection visa decisions that are not character related);
  - section 417 – the Minister may substitute a decision of the Migration and Refugee Division of the AAT (for example to affirm a decision to refuse to grant a visa) in relation to a decision reviewable under Part 7 of the Act (which relates to protection visa decisions that are not character related); and
  - section 501J – the Minister may substitute a more favourable decision following a decision of the General Division of the AAT in relation to a character related protection visa decision.
- For further information on the public interest powers under sections 351 and 417, refer to background issues brief: ‘Ministerial Intervention - Public interest powers under sections 351 and 417 of the *Migration Act 1958* (the Act)’.
- Other frequently exercised intervention powers in the public interest include:
  - section 48B – the Minister may lift the bar preventing repeat protection visa applications to allow a further protection visa application to be made by a person who was refused a protection visa or had a protection visa that was cancelled, and who is still in the migration zone; and
  - section 195A – the Minister may grant a detainee a visa.
- For further information on the power under section 195A refer to brief titled ‘Ministerial Intervention power under section 195A of the Migration Act 1958’.
- Examples of other frequently used non-compellable public interest powers under the Act include:
  - section 46A(2) – the Minister may lift the bar to allow a valid visa application to be made by an unlawful maritime arrival (UMA) who is in Australia and is an unlawful non-citizen or the holder of certain visas (such as a bridging visa);
  - section 46B(2) – the Minister may lift the bar to allow a valid visa application to be made by a transitory person who is in Australia and is an unlawful non-citizen or the holder of certain visas (such as a bridging visa). A transitory person is an individual who has been transferred back to Australia from a regional processing country for a temporary purpose (e.g. medical treatment).

- Other non-compellable public interest powers under the Act include:
  - section 72(1)(c) – the Minister may make a determination that a non-citizen is an eligible non-citizen in certain circumstances, thereby permitting the non-citizen to make an application for a Bridging visa E;
  - section 91Q – the Minister may lift the bar in section 91P that prevents a person who could avail themselves of protection in a third country from applying for a visa;
  - sections 133A(1) and (3) and sections 133C(1) and (3) – the Minister may cancel a visa on grounds contained in section 109 (incorrect information) or section 116 (various grounds) of the Migration Act, with or without natural justice;
    - section 133F – if the Minister cancels a visa without natural justice under section 133A or 133C, the Minister must invite the individual to make representations on whether or not to revoke the original decision to cancel. The Minister may revoke the cancellation where the Minister is satisfied the grounds for cancellation did not exist;
  - section 197AB – the Minister may make a ‘residence determination’ to the effect that a person who is or may be detained under section 189 of the Migration Act may reside at a place other than an immigration detention centre;
  - section 197AD – the Minister may revoke or vary a ‘residence determination’; and
  - section 198AE – the Minister may determine that a person who is an unlawful maritime arrival does not have to be taken to a regional processing country.

## National Interest Powers

- Section 198AB of the Act provides the Minister with a non-delegable power to designate that a country is a regional processing country.
  - section 198AD(5) – where there are two or more regional processing countries, the Minister must direct which regional processing country a UMA (or class of UMAs) must be taken to.
  - at present the Republic of Nauru and Papua New Guinea have been designated as regional processing countries.
- Section 501(3) of the Act provides the Minister with a non-delegable power to refuse or cancel a visa where the Minister reasonably suspects the person does not pass the character test and the Minister is satisfied that the refusal or cancellation is in the national interest.
- Under section 501(3A), the Minister must cancel a visa where they are not satisfied that the person does not pass the character test because of having a substantial criminal record or sexually based offences involving a child and the person is serving a sentence of imprisonment in a custodial institution for an offence against Australian law. The rules of natural justice do not apply to the exercise of these powers.
- Section 501A of the Act gives the Minister a personal, non-compellable discretion to set aside a decision, made by a delegate or the Administrative Appeals Tribunal (AAT) not to refuse or cancel a visa on character grounds, and to personally refuse or cancel the visa where the Minister believes it is in the national interest to do so. This power may be exercised with or without natural justice.
- If natural justice is not given in the exercise of the Minister’s powers, the Minister must, under section 501C, invite the person to make representations as to whether the original decision should be revoked. The Minister may revoke the decision if, from those representations, the person satisfies the Minister they pass the character test.

- Section 501BA of the Act gives the Minister a personal, non-compellable power to set aside a decision of the delegate or the AAT to revoke a mandatory cancellation of a visa made under section 501(3A), and to cancel the visa, if the Minister is satisfied that the person does not pass certain grounds of character test and the Minister is satisfied that cancellation of the visa is in the national interest.
- Section 501B empowers the Minister to set aside a decision made by a delegate to refuse or cancel a visa on character grounds, and to personally refuse or cancel the visa where the Minister:
  - reasonably suspects the person does not pass the character test;
  - the person does not satisfy the Minister that they pass the character test; and
  - the Minister is satisfied that the refusal or cancellation is in the national interest.The practical effect of exercising this power is that, unlike an adverse delegate decision, the Minister's decision is not merits reviewable.

• s47E(d)

## Citizenship Act

Non-delegable powers under the *Australian Citizenship Act 2007* (Citizenship Act) include:

- subsection 22A(1A) and 22B(1A) provide the Minister with a non-compellable power to apply alternative special residence requirements in relation to citizenship applicants who engage in activities of benefit to Australia, or who, due to their engagement in particular kinds of work requiring regular travel outside Australia, are unable to meet the general residence requirements.
- Non-citizens are generally required to have lived in Australia as a lawful non-citizen for four years (including as a permanent resident for 12 months immediately before the day the non-citizen makes the citizenship application) before being eligible for Australian citizenship.
- While the power to revoke a person's citizenship under sections 34 (revocation for offences or fraud), 34A (where alternative residence requirements were applied) or 36 (revocation of a child's citizenship) may be delegated, these powers have never been delegated to a departmental officer and remain powers that may only be exercised by the Minister.
- To date, 33 people have had their Australian citizenship revoked since 1949 with the most recent case revoked on 2 November 2017. Of the 33, Minister Dutton revoked 17 people.
- Section 23A of the Citizenship Act provides that the Minister must, by written determination, approve a citizenship test.
- There is currently a written determination in place approving three citizenship tests:
  - a standard computer based test;
  - an assisted test for people with limited literacy skills; and
  - a course-based test for vulnerable applicants who have difficulty with a computer test.

There are additional non-delegable powers under the Citizenship Act following the enactment of the *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*. Examples include:

- section 33AA provides the Minister with the power to rescind the notice informing a person that they have renounced their Australian citizenship by acting inconsistently with their allegiance to Australia, and to exempt the person from the effect of the citizenship renunciation under section 33AA;

- section 35 provides the Minister with the power to rescind the notice informing a person that their Australian citizenship has ceased due to the person serving in, or fighting for, the armed forces of a country at war with Australia or a declared terrorist organization, and to exempt the person from the effect of citizenship cessation under section 35.
- section 35A provides the Minister with the power to determine that a person ceases to be an Australian citizen because of convictions for terrorism offences and certain other offences.
- section 35A provides the Minister with the power to revoke a determination that a person ceases to be an Australian citizen if the conviction which was the basis for the cessation of citizenship is later overturned on appeal, or quashed by a court and no other appeal to a court can be made.
- section 35AA provides the Minister with the power to declare an organisation to be a declared terrorist organisation, which is relevant to the renunciation and cessation provisions in sections 33AA and 35.

## Customs Act

The Minister's personal powers under the *Customs Act 1901* include:

- section 77EA(1) – the Minister may order a Collector to detain goods specified in the order if the Minister considers that it is in the public interest to do so;
- section 77ED(1) – the Minister may authorise the delivery into home consumption of detained goods (i.e. they are no longer subject to customs control);
- section 77EE(1) – the Minister may authorise the export of detained goods; and
- section 77EF(2) – the Minister may authorise the export of goods that have not, under the Minister's authority, been delivered into home consumption or exported.

## Maritime Powers Act

Under the *Maritime Powers Act 2013*, the Minister has non-delegable powers, exercisable in the national interest, to:

- section 75D - determine that maritime powers may be exercised between Australia and another country in specific circumstances;
- section 75F - give specific and general directions about the exercise of powers in sections 69, 71 and 72 of the Act to detain and move vessels and persons; and
- section 75H - exempt certain vessels involved in maritime enforcement operations from the inappropriate application of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, the *Navigation Act 2012* and the *Shipping Registration Act 1981*.

## Australian Border Force Act

Under the *Australian Border Force Act 2015*, the Minister has several non-delegable powers:

- section 4(7) – the Minister may prescribe a kind of information for the purposes of the definition of 'Immigration and Border Protection Information', if satisfied that disclosure of such information would or could reasonably be expected to prejudice the effective working of the Department or harm the public interest;
- section 14 – the Minister may appoint a person to act as the Australian Border Force Commissioner;
- section 17 – the Minister may grant the Australian Border Force Commissioner leave of absence;

- section 18 – the Australian Border Force Commissioner must not engage in paid work outside the duties of their office without the Minister’s approval;
- section 22 – the Australian Border Force Commissioner holds office on the terms and conditions that are determined by the Minister;
- subsection 23(1) – the Minister may give directions to the Australian Border Force Commissioner about policies that should be pursued;
- subsection 58(1) – the Minister may make rules, by legislative instrument, prescribing matters required or permitted by the *Australian Border Force Act 2015* to be prescribed or necessary or convenient to be prescribed.

**Contact Details**

Name: Pip de Veau, First Assistant Secretary Legal

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# REFUGEE AND HUMANITARIAN POLICY

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

## Key Issues

- Australia's Humanitarian Program includes an onshore protection and an offshore resettlement stream.

### Onshore protection

- The onshore protection/asylum component fulfils Australia's international protection obligations by offering protection to people already in Australia who are found to be refugees according to the United Nations Convention relating to the Status of Refugees or who engage non-refoulement (non-return) obligations arising under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- As part of the border protection strategy to combat people smuggling and irregular migration, in 2014, the Australian Government re-introduced temporary protection for unauthorised arrivals.

s47C



### Offshore resettlement

- Australia's Offshore Humanitarian Program is the vehicle through which Australia provides resettlement for refugees and others in humanitarian need.
- The Program:
  - Provides permanent resettlement to those most in need, including in refugee camps and protracted refugee situations;
  - Reunites refugees and people who are in refugee-like situations overseas with their family in Australia; and
  - Uses resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement, and supports broader international protection.

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

- In 2017-18, the size of the Humanitarian Program is 16,250 places.
  - This is an increase of 2,500 places over the 2016-17 program.
  - The size of the Program will increase to 18,750 places in 2018-19 and beyond.
- The Minister for Immigration and Border Protection determines the composition of the Humanitarian Program annually.
  - The Minister takes into account advice from the Minister for Foreign Affairs, advice from the United Nations High Commissioner for Refugees (UNHCR) on global resettlement needs, and the views of key stakeholders provided through a public consultation process.
- The Minister decided the composition and regional priorities of the 2017-18 Offshore Humanitarian Program in July 2017, including planning levels of:
  - 15,500 places for the offshore and 750 places for the onshore components;
  - 8,140 places for the Refugee and 7,360 places for the Special Humanitarian Program categories; and
  - Priority regions remain the Middle East (8,250 places), Asia (4,110 places) and Africa (2,800).
    - The Department will provide advice on progress and possible variations to the planning levels in early 2018.
- The Offshore Humanitarian Program is focused on groups most in need of resettlement, including vulnerable women and children and a dedicated minimum number of places for displaced persons from protracted refugee situations.

### **Syria/Iraq response**

- In 2015, the Government committed an additional 12,000 humanitarian places in response to the conflicts in Syria and Iraq. This commitment has been fully delivered.
- The Government is not considering a further additional intake at this time.
  - People displaced from Syria and Iraq continue to make up approximately 50% of the current Program.
    - Priority is given to the most vulnerable groups (persecuted minorities, women, children and families) located in Lebanon, Jordan and Turkey.

### **Key challenges in 2018**

#### **Implementation of the Community Support Program (CSP)**

- The CSP came into legislative effect on 1 July 2017 with 1,000 places allocated within the Offshore Humanitarian Program. It is designed to provide a sustainable model of private sponsorship for refugees.
- The CSP enables communities and businesses, as well as families and individuals, to propose humanitarian visa applicants with employment prospects and support new humanitarian arrivals.
  - It is intended to harness community support for refugees, including the willingness of the Australian business community to support refugees in practical ways through employment and financial assistance.

- s47C

s47C

- 
- 

### ***Declining resettlement need in Asia***

- UNHCR has advised of declining resettlement need from the Asia region, and its preference to pursue solutions other than resettlement for refugee populations in the region.

### ***Rohingya Resettlement***

- Australia does not currently resettle Rohingya refugees through the Humanitarian Program.
- Resettlement responses to large-scale outflows of refugees need to be undertaken as part of a comprehensive response strategy decided by the international community.
- There is currently no internationally coordinated large-scale resettlement of Rohingya displaced by recent developments in Myanmar.
- Australia's humanitarian assistance for the Rohingya and other communities affected by the crisis in Myanmar and Bangladesh has been increased in response to ongoing events. The total contribution is now over \$75 million since 2012.

### ***Protection Transfer Arrangement (PTA) in Costa Rica***

- In September 2016 at the Leaders' Summit in New York, Prime Minister Turnbull announced that Australia's humanitarian intake would include a cohort of refugees from the violence-plagued 'northern triangle' countries of Guatemala, Honduras and El Salvador taken from camps in Costa Rica.
  - Refugee and Humanitarian visas have been granted to the seven cases (30 individuals) referred to Australia under the PTA in Costa Rica.

## **Background**

### ***Onshore Protection***

- Lawful arrivals who engage Australia's non-refoulement obligations are eligible for permanent protection, have access to social security benefits and public health and education services and are able to sponsor family members to join them in Australia.
- 1711 permanent protection visas were granted in the program year 2016-17.
- The temporary protection regime entails the Temporary Protection Visa (TPV) and the Safe Haven Enterprise Visa (SHEV). Temporary protection visa holders cannot sponsor family members.
- A TPV is valid for three years with the visa holders able to work, study and reside anywhere in Australia, with access to support services.
- A SHEV is valid for five years and is granted on the basis that the visa holder intends to work or study in a regional area. SHEV holders are able to apply for certain prescribed permanent or temporary visas if they have worked without receiving any social security benefits and/or studied full time or a combination of both, in a specified regional area for a period totalling 42 months.

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

- Over the program year 2016-17, the Department accelerated the resolution of protection claims made by illegal maritime arrivals who had arrived prior to January 2014, with approximately 41 per cent of the caseload decided.
- In the program year 2016-17, 15,181 primary applications were lodged and 7866 primary and 8000 final decisions were made.

**Contact Details**

Name: David Wilden, First Assistant Secretary Immigration & Citizenship Policy

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  

---

**Department of Home Affairs**

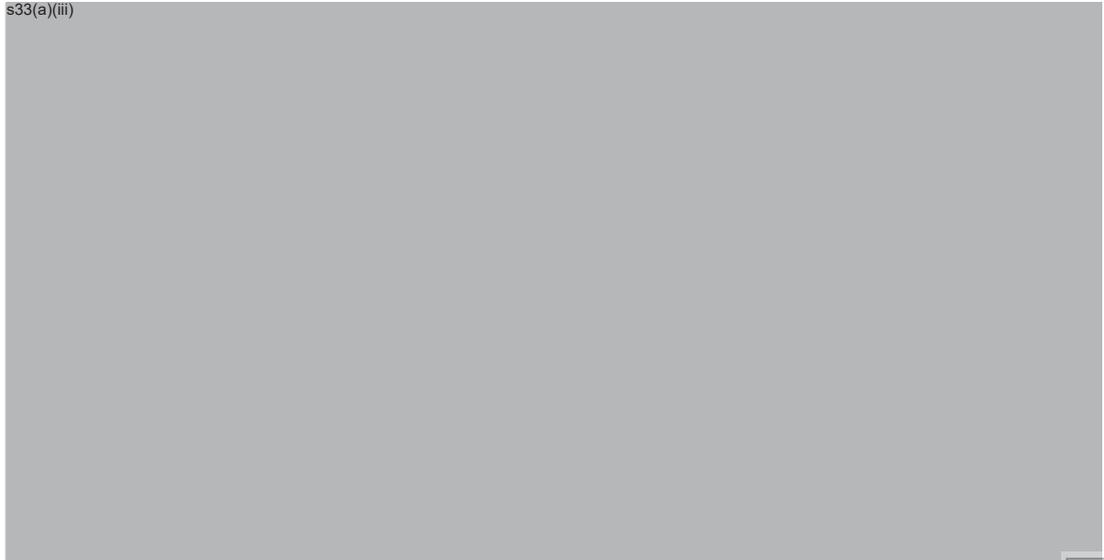
# UNHCR ENGAGEMENT

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

## Key Issues

- Recognising that the international protection system is under strain from mass movements of refugees and displaced persons, the Department of Home Affairs will continue to have a strategic interest in the UNHCR.
- The Department of Home Affairs should leverage the historical cooperation between our organisations to advance existing government priorities, including through the UNHCR-led process to develop a Global Compact on Refugees (GCR). Several overarching Home Affairs priorities are being taken into consideration in the development of the GCR, and more broadly, through the existing relationship with the UNHCR. These include (but are not limited to):
  - regularising responses to mass movements of people and promoting managed migration pathways;
  - child protection in crisis response, resettlement and migration pathways;
  - dark web matters pertaining to illegal migration and human trafficking, particularly regarding child exploitation; and
  - countering violent extremism and promoting multiculturalism.

• s33(a)(iii)



## Background

- The Department of Immigration and Border Protection (DIBP) has regularly engaged with UNHCR representatives in Canberra, Geneva and other locations in support of the following overarching objectives:
  - Operational support to deliver Australia's Humanitarian Programme, including expansion of biometric registration of refugee caseloads and information sharing.
  - Assistance to displaced populations in countries of first asylum. These arrangements are to contain and stabilise these populations and discourage onward movement, as well as seeking solutions through return to home countries or local integration.
  - Ensuring that international debate balances protection interests with domestic priorities, such as encouraging lawful and orderly mobility.
- Australian Government engagement with the UNHCR is jointly managed by Home Affairs and DFAT under a Strategic Partnership Framework (SPF).
  - Australia is a significant contributor to the UNHCR both financially and in terms of offering resettlement places (16,250 resettlement places in 2017-18, rising to 18,750 in 2018-19).

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

- In 2016-17 Australia (through DFAT) contributed AUD 25 million in core funding to the UNHCR.
- In 2016-17 DIBP paid AUD 6,885,932 to UNHCR for activities including, for example, the referral of refugees to meet the Government's commitment to resettle 12,000 Syrians and Iraqis.
- To date in 2017-18, DIBP has paid AUD 2,794,746 to UNHCR for activities, for example, including the UNHCR Universal Public Health Insurance (UPHI) for vulnerable Afghan Refugees.

**Contact Details**

Name: Lachlan Colquhoun, First Assistant Secretary International

Phone: (w) 02  (m)



**Australian Government**  
**Department of Home Affairs**

# FOREIGN WORKER EXPLOITATION

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

## Key Issues

- Temporary visa holders are being exploited in Australia:
  - employers have been taking advantage of temporary non-citizens by not paying them a fair wage for the hours they work; coercing them to work in breach of their visa conditions and threatening to report them for immigration breaches if they complain
  - some entities are scamming excessive benefits in return for visas.
- Foreign workers in Australia are subject to the same workplace laws, entitlements and protections as Australian citizens and permanent residents. The Fair Work Ombudsman (FWO) has responsibility for ensuring compliance with Australia's workplace laws.
- The Department and the Australian Border Force (ABF) work actively with other agencies including the FWO, the Department of Employment, the Attorney-General's Department (AGD) and the Australian Federal Police (AFP), to support the whole of government response to migrant worker exploitation, and increase capability to detect, deter and respond to exploitation of migrant workers.
- The Department's currently developing initiatives to pre-emptively respond to outcomes of the Migrant Workers' Taskforce, expected to report in early 2018.

## Our contribution to the whole-of-government response

- Initiatives to address migrant worker exploitation include participating in the following fora:
  - Migrant Workers' Taskforce, chaired by Professor Fels AO and administered by the Department of Employment - which aims to identify further proposals for improvements in law, law enforcement and investigation, and other practical measures to more quickly identify and rectify any cases of migrant worker exploitation. The Taskforce is due to report to Government in early 2018.
  - Taskforce Cadena - a joint agency initiative consisting of the Department, the ABF, and the FWO that works with partner agencies across all levels of government, targeting the criminals responsible for organising visa fraud, illegal work and the exploitation of foreign workers.
  - Black Economy Taskforce, chaired by Mr Michael Andrew AO and administered by the Treasury - considers initiatives to combat the black economy in Australia, which will help respond to exploitation of migrant workers.
  - Phoenix Taskforce – a joint agency initiative led by the ATO, to identify new companies that have been created to continue the business of a company that has deliberately liquidated to avoid paying its debts.
- The Department administers three sanction frameworks under the Migration Act 1958 that provide a legislative basis to respond to exploitation of migrant workers:
  - Employer Sanctions – for businesses who employ, contract or refer non-citizens to work in Australia without taking reasonable steps to confirm that they have a valid visa and permission to work
  - Sponsor Obligations – includes sanctions for sponsors who do not comply with legally binding sponsorship obligations that aim to protect temporary visa holders in Australia from exploitation, including subclass 457 visa holders
  - Paying for Visa Sponsorship – sanctions for any person or business entity who asks for, receives, offers or provides a benefit in return for a visa sponsorship or employment that requires a visa sponsorship.

## Our compliance approach

- Each of these frameworks has graduated tiers of sanctions to encourage employers and other entities to comply with migration legislation. These requirements uphold the integrity of Australia's migration system and protect Australian workers and employers who employ and pay their workers in accordance with their obligations under the Fair Work Act 2009.
- The Department actively responds to and targets exploitation and other non-compliance with migration law by building awareness of the consequences of non-compliance; creating a credible threat of consequence for employers; and sanctioning businesses that commit breaches or persist in unlawful activity.
- Where temporary visa holders with work rights have reported exploitation to the FWO, the Department will generally not cancel a visa, detain or remove them from Australia, providing they commit to abide by visa conditions in the future and there is no other ground for visa cancellation (such as national security, character, health or fraud).
- For any temporary visa holder who has no work entitlement attached to their visa, the Department makes no commitment other than to consider each case on its merits.
- The Department is negotiating with other organisations, including the ATO, to facilitate data sharing to increase our capability to detect fraudulent practices, non-compliance relating to work rights and other factors that might facilitate exploitation of non-citizens
- Serious forms of labour exploitation are captured by the human trafficking and slavery-like offences set out in the Criminal Code, and are referred to the AFP.

## Exploited visas with work rights

### Employer sponsored temporary work visas

- The Department requires sponsors to abide by a number of obligations designed to discourage exploitation, including that 457 visa holders:
  - must be engaged under a written employment contract
  - can only work for the nominated position and employer, and
- Must be paid the market salary rate.  
The Government reforms to employer sponsored skilled migration visas include a number of elements to detect and deter worker exploitation such as sharing information with the ATO and publishing the details of sanctioned sponsors.
- The Temporary Skill Shortage visa, which is being implemented in March 2018, will contain a number of elements that protect against worker exploitation, including:
  - sharing of tax file numbers (TFN) between the Department and the Australian Taxation Office to assist departmental officers in identifying employers underpaying overseas workers
  - publishing the details of sanctioned sponsors on the Department's website.

### Working Holiday and Students

- Most Student visa holders are limited to 40 hours work a fortnight while their course of study is in session.
- In 2016 the Senate Standing Committee on Education and Employment reported systemic wage exploitation of students employed by 7-Eleven franchises.
- Working Holiday visas are valid for twelve months, permitting holders to work in Australia while holidaying in Australia. Generally visa holders may work up to six months with one employer; or twelve months with one employer, where the work is undertaken in different locations and work in any one location does not exceed six months.
- Working holiday visa holders may apply for a second year visa by performing three months specified work that is paid in accordance with Australian workplace laws.

- The FWO Inquiry into the wages and conditions of working holiday visa holders completed in 2016 identified a range of concerns suggesting exploitation in the horticulture industry.

### Recent reports with findings on exploitation

Publisher	Report Title
Department of Immigration and Border Protection	Robust New Foundations - A Streamlined, Transparent and Responsive System for the 457 Programme (An independent review), September 2014
Senate Standing Committee on Education and Employment	A National Disgrace – The Exploitation of Temporary Work Visa Holders, March 2016
Fair Work Ombudsman	A Report of the Fair Work Ombudsman's Inquiry into 7-Eleven
Fair Work Ombudsman	Inquiry into the wages and conditions of people working under the 417 Working Holiday Visa Program, October 2016
Westjustice Western Community Legal Centre 2016	Not just work. Ending the exploitation of refugee and migrant workers, 2016
University of New South Wales	Wage Theft in Australia – Findings of the National Temporary Work Survey, November 2017
Bankwest Curtin Economics Centre	Minimising Skills Wastage – Maximising the health of skilled migrant groups, November 2017

#### Contact Details:

Name: David Wilden, First Assistant Secretary Immigration & Citizenship Policy Division

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# IMMIGRATION REFORM

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

## Key Issues

- Immigration Reform is a transformational program of reform to Australia's visa and citizenship business involving fundamental change to visa policy, global service delivery arrangements, and underpinning risk and technology capabilities. The overarching goal is to ensure Australia's ongoing competitiveness in the global market for tourists, students and skilled migrants; to support a strong national economy and foster social cohesion in Australian society; while at the same time safeguarding national security.
- Immigration reform is an integrated package of measures resting on four pillars:
  - policy and legal reform
  - enhanced digital service provision on a global scale
  - expanded intelligence and risk capability
  - increased core ICT capability in the Department.
- Immigration Reform will play a central role in Home Affairs Portfolio priorities by continuing to facilitate legitimate travellers' entry and stay in Australia while enhancing our ability to prevent entry by people who would cause us harm.
- Immigration Reform relates to four initiatives that were agreed by Cabinet on 27 March 2017, including the following.
  - The abolition and replacement of the subclass 457 visa – details of the changes are outlined in the *Temporary Labour Program* brief.
  - Strengthening the test for Australian citizenship - details of the changes are outlined in the *Citizenship Reforms* brief.
  - Changes to Australia's migration intake arrangements.
  - The reform of Australia's visa system.

## Australia's migration program

- The permanent Migration Program is currently set at a ceiling of 190,000 per year, which has been the planning level since 2012-13. In the 2016-17 year, a total of 183,608 permanent visas were granted.

s47C

s34

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

## Visa Reform

- Visa Reform is an integrated, long-term reform program that requires coordinated change to deliver a simplified policy framework, innovative service delivery and enhanced risk capabilities.
- Unless there is significant reform, the visa business will be unable to effectively facilitate legitimate travel or to identify and address risk, harming both the economy and national security.

### Simplified policy framework

- The Department undertook public consultations on the design elements of the simplified visa framework from July to September 2017. Key features of the simplified visa framework include:
  - Reducing the number of visas from 99 to nine;
  - introducing a mandatory period of provisional residence before permanent residence, through three migration visas; and
  - introducing a new requirement for people seeking to reside in Australia permanently, to demonstrate their commitment to Australian values, by assessing their integration into the Australian community.
- The Department received over 200 valid submissions and met with over 180 stakeholders during the consultation period.
- These consultations identified general support for visa simplification, with strong feedback that the visa system needs to be technologically innovative, simple to understand and easy to navigate and should address the needs of migrants, industry and the community. Further information is provided in [Attachment A](#).

### Innovative service delivery

- The Department has commenced a procurement process to engage with the market to co-design, build and operate a new visa business.
- This process includes consideration of the adoption of a commercial model that means the design, build, implementation and operating costs of a Global Digital Platform are met initially by the third party provider and recouped over time under a user-pays model.
- The Department will retain sovereign functions, including policy settings, visa decision-making and security and identity checks. Further information is provided in [Attachment B](#).

## Background

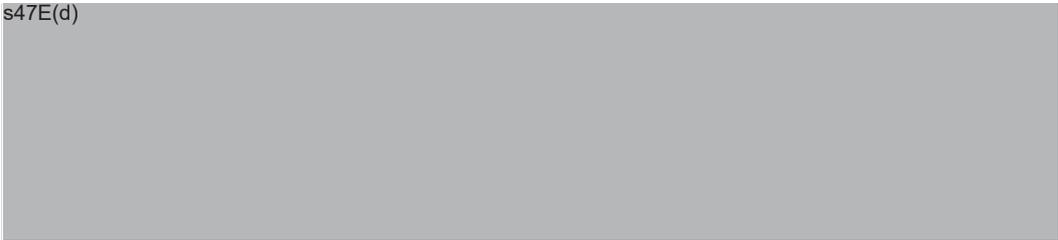
### Interim measures to Visa Reform

- Ahead of the longer term Visa Reform, some interim-term policy changes have been pursued to address specific issues within the current settings.
- On 18 April 2017, the Prime Minister and the Minister for Immigration and Border Protection announced reforms to Australia's employer sponsored skilled migration programs, including the abolition and replacement of the 457 visa with the Temporary Skill Shortage (TSS) visa in March 2018. Details of the changes are outlined in the *Temporary Labour Program* brief.

- On 15 June 2017 the Minister for Immigration and Border Protection introduced legislation to implement changes to strengthen the requirements for Australian citizenship. Details of the changes are outlined in the *Citizenship Reforms* brief.

## Visa Reform

- s47E(d)  

- Australia's current visa framework is overly complex and hard for visa applicants to use. Both the *Migration Act 1958* and Migration Regulations have grown significantly since their introduction, now covering almost 100 visas.  

- Immigration Reform responds to growing demands from clients to access faster, simpler and user-centric services that are digital by default. It supports our economy by enhancing Australia's attractiveness as a destination for tourists, international students and skilled migrants, while fostering a cohesive multicultural society.
- In the 2017-18 Budget, the Government announced the Budget measure *Immigration Reform – changes to Australia's visa processing arrangements*. The Government funded the program with \$185.4 million over four years.
- The first stage of the Visa Reform program includes the following.
  - Public consultations to support the development of a modern visa system.
  - Engaging with the market to explore new technologies and co-design a new service delivery model, supporting systems and business processes, at no cost to Government.
  - Digital Client Enquiry Enablement (DCEE) program aimed at improving our service offers to clients through:
    - enhance ImmiAccount to expand online self-service to be the service of choice
    - re-design our website to make it easier to use
    - change the majority of our forms to be online self-services
    - outsourcing of the Department's call centres in Sydney, London and Ottawa to meet current and future demands
    - move to appointment only in-person services
    - introduce push notification to manage client interaction and influence behaviour.
  - Delivering an enterprise-level replacement of current biometric capabilities including enrolment, verification, search, identification and matching.

- Measures to improve ICT platforms, services and delivery to ensure they are ready to engage with market based services, including improving ICT capability in delivery methodologies and automation, and early development of Application Programming Interfaces (APIs) to facilitate co-design activities for innovative service delivery.
- Enhancing threat checking capabilities in the Electronic Traveller Authority (ETA).

## Attachments

s34

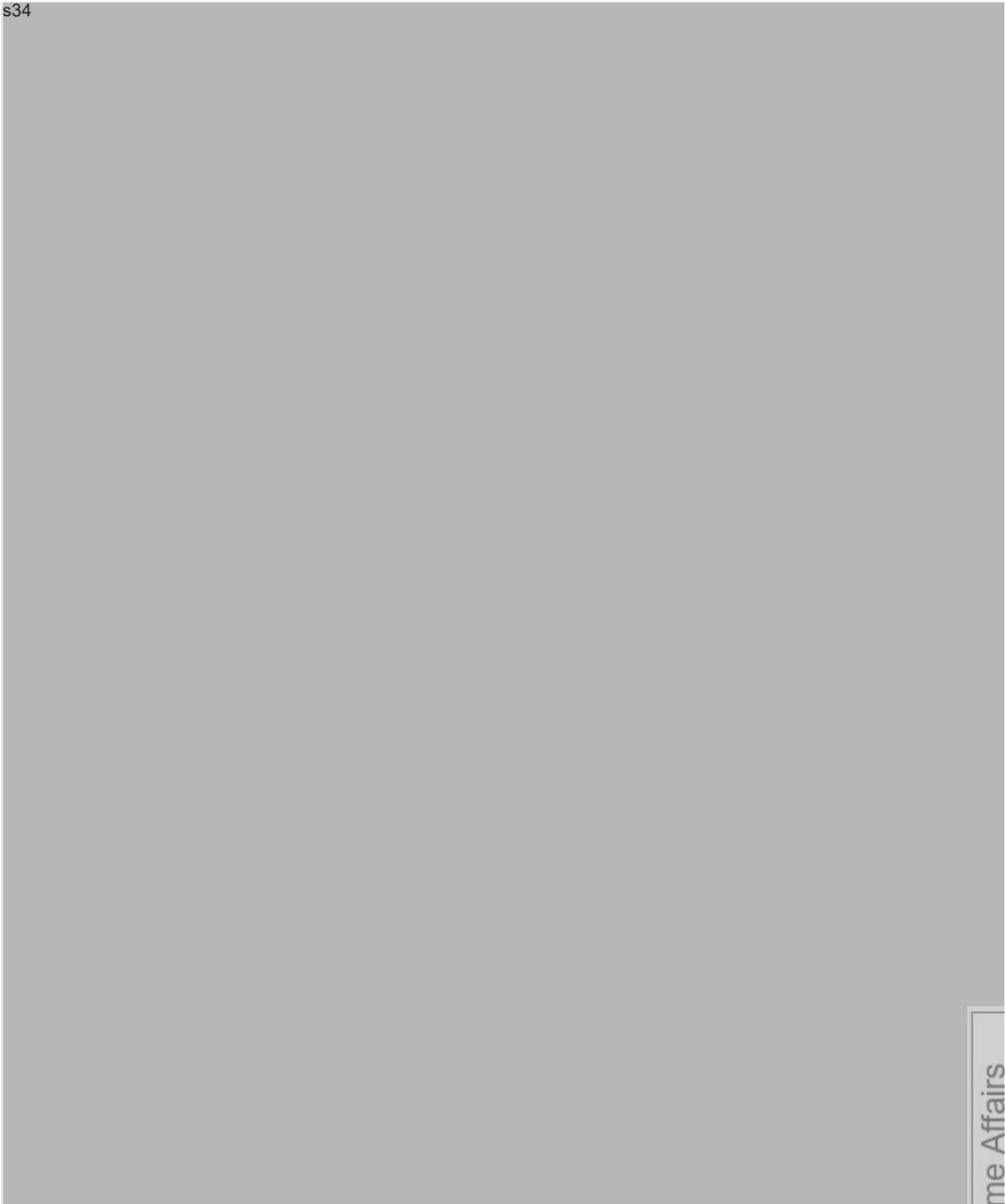
Attachment B – innovative service delivery

### Contact Details

Name: Malisa Golightly PSM, Deputy Secretary Visa and Citizenship Services Group

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)

s34



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

## Attachment B – innovative service delivery

- The Department is looking to partner with the market to co-design, build and operate a new visa business. By rethinking the way in which Australia attracts visitors and potential migrants and then interacts with those people, we will pursue the Government's priorities of a strong economy, strong national security and a prosperous and cohesive society.
- Following initial market consultation in July 2017, on 22 September 2017 the Department published a Request for Expression of Interest (REOI) *Delivering Visa Services for Australia—Global Digital Platform*.
- While the REOI includes a major ICT component, respondents were asked to demonstrate the following.
  - The ability to deliver the future business and to support these outcomes by attracting people to Australia while further strengthening visa decision-making.
  - Demonstrate a strong understanding of the Department's operating environment and business needs.
  - An ability to work with the Department to co-design a Global Digital Platform to process visa applications.
- The Department envisages that by leveraging capabilities available in the market, it can significantly increase the digitisation and automation of visa services, improve the quality and efficiency of services for visa applicants and bring a range of value added services to them.
- Over time, the Department expects that this will enhance Australia's attractiveness to and international competitiveness for travellers, international students, skilled workers and migrants. Achieving this requires a new approach to the business of providing visa services that takes a broader view and focuses on the client and those elements that will attract people to Australia.
- Staff will continue to focus on more complex, higher-risk matters, using their expertise and judgement on the applications that most warrant our attention.
- The approach to market includes the opportunity to implement innovative commercial models to help further offset the cost and reduce any user pays option without undermining Australia's international competitiveness or creating unacceptable risks for Government.



**Australian Government**  
**Department of Home Affairs**

# CITIZENSHIP CEREMONIES

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

## Key Issues

- *The Australian Citizenship Act 2007* ('The Act') outlines the responsibilities of the Minister for Immigration and Border Protection in regard to all matters regarding Australian Citizenship, including citizenship ceremonies (Sections 26 - 28).
- The process of becoming a citizen by conferral involves several related steps, which rely upon the delegate of the Minister for Immigration and Border Protection being satisfied of the applicant's identity. The process to gain citizenship by conferral includes:
  - Application lodgement
  - Identity verification
  - Undertaking the Australian Citizenship Test (where applicable)
  - Character and security checks
  - Decision (approval/refuse)
  - Allocation to a citizenship ceremony
  - Acquisition of citizenship at a citizenship ceremony
- Note that the Act also has provision for a delegate to cancel an approval of citizenship or to defer attendance at a ceremony in certain circumstances.
- For most people, attending a citizenship ceremony is the final legal step in obtaining citizenship by conferral.
- While the Department hosts some ceremonies, local government councils undertake the vast majority of citizenship ceremonies on behalf of the Department.
- The ***Australian Citizenship Ceremonies Code*** ('the Code') (**See:** <https://www.border.gov.au/Citizenship/Documents/australian-citizenship-ceremonies-code.pdf>) provides the legal and other requirements for the conduct of Australian citizenship ceremonies. There are three legal requirements that must be followed at a ceremony:
  - the presiding officer must be authorised by the Minister under the *Legislative Instrument of Authorisation 2015*;
  - the presiding officer must read aloud the address specified in schedule 1 of the *Citizenship Regulations*; and
  - the candidates must make the pledge of commitment before the presiding officer.
- The current version of the Code is dated 2011. The former Minister for Immigration and Border Protection, the Hon. Scott Morrison MP, commenced a review of the Code on 9 December 2013. As well as a general update, the focus of the review was to provide guidance relating adherence to avoiding sitting dates of Parliament when hosting a ceremony, and a dress code for ceremonies.
  - To date, the Code remains under review pending the passage of the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017* – noting that the Bill was discharged from the Senate notice paper on 18 October 2017.
  - The Government is continuing to negotiate with the independent Senators.
- The Code specifies that ceremonies are apolitical, bipartisan, secular and non-commercial.
  - Throughout 2017 there has been considerable stakeholder and media focus on the issue of ceremonies due in part to the proposed changes to citizenship announced on 20 April 2017 and embodied in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017* and in part to a broader community debate about the appropriateness of celebrating Australia Day, including the holding of Citizenship Ceremonies, on January 26.

- In response to the Yarra and Darebin City Councils' decisions to decline to hold ceremonies on Australia Day, the Assistant Minister for Immigration and Border Protection, the Hon Alex Hawke MP, revoked their authorities to preside at citizenship ceremonies 19 August 2017 and 24 August 2017 respectively.
- In situations of alleged breaches of the Code, the Department and/or the Minister liaise with ceremony organisers through written/phone and/or face-to-face communication to determine the appropriate action to be taken.
- Each case is considered on its own individual circumstances and within the context of any previous complaints and actions. The Department considers the appropriate course of action for the situation.
  - Action may include written, phone or face-to-face communication to clarify and reiterate the roles and responsibilities of those involved in ceremonies.
  - The authorisation of the Presiding Officer may also be revoked by the Assistant Minister for Immigration and Border Protection who, under the current division of responsibilities, has responsibility for citizenship ceremonies.
- The Legislative *Instrument of Authorisation 2015* allows the Minister and Assistant Minister to authorise a class of person who may receive a pledge of commitment.

## Background

- For the 2016–2017 programme year, 137,750 people became citizens by conferral.
- Citizenship ceremonies are held all year round, however, there are two key dates for the holding of citizenship ceremonies and to promote the value of Australian citizenship.
  - Australian Citizenship Day (17 September).
    - On the week of Australian Citizenship Day 2017, more than 80 ceremonies were held, welcoming more than 4,400 new citizens.
  - Australia Day (26 January).
    - On Australia Day 2017, more than 400 ceremonies were held welcoming more than 16,000 new citizens.
- The Minister for Immigration and Border Protection must be invited to attend all Australian citizenship ceremonies.
  - If able to attend, the Minister has precedence to preside and confer citizenship.
  - If unable to attend, the Minister may nominate a representative who will read the message from the Minister.
- Although there is no direct funding provided to local governments for costs associated with citizenship, the Australian Government (through the Department of Infrastructure and Regional Development) provides untied funding to local governments under the Financial Assistance Grant programme.
- The average time an applicant will wait to attend a citizenship ceremonies is between three and six months from the time an application is approved. However, it may take longer to hold citizenship ceremonies in regional areas, due to the lower number of people approved for citizenship in regional Australia.
- The Department monitors waiting times for ceremonies and issues regular reports to councils with details of people waiting for a ceremony. The waiting time for a ceremony can vary depending on demand, however most applicants attend a ceremony within six months of their application being approved.
- Applicants are encouraged to participate in a public citizenship ceremony wherever possible as they provide an important opportunity to formally welcome them as new citizens and full members of the Australian community.

- For integrity reasons, urgent citizenship ceremonies are only organised in exceptional circumstances where there are genuine compelling or compassionate circumstances, including where these circumstances have arisen beyond the applicant's control and since the application was approved.
- Under the Act, there is a period between the approval of the citizenship applications and the ceremony where the Department can still defer or cancel the approval of an application when new information comes to light. The Department has had circumstances where a small number of applicants have been prevented from attending ceremonies anywhere from two weeks to immediately before attending so further checks could be undertaken.
- The Australian Citizenship Affirmation, which is based on the pledge made by new Australian citizens, allows anyone to affirm their loyalty and commitment to Australia and its people.

*As an Australian citizen,  
\*I affirm my loyalty to Australia and its people,  
Whose democratic beliefs I share,  
Whose rights and liberties I respect,  
And whose laws I uphold and obey.*

\*Non-Australian citizens can join in the Affirmation at this line

#### Contact Details

Name: Malisa Golightly PSM, Deputy Secretary Visa and Citizenship Services Group

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# **ELECTRONIC TRAVEL AUTHORITY (ETA) VULNERABILITIES**

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

## Key Issues

- The Electronic Travel Authority (ETA), introduced in 1996, is a light touch visa product designed to facilitate visitor visas for 34 high volume low (immigration) risk countries (see list at [Attachment A](#)) whilst maintaining Australia's universal visa system.
- The ETA accounts for approximately half of all Visitor visas used by travellers to enter Australia, with 2.67 million activated ETAs in the 2016–17 financial year.
- The ETA is a key element in bilateral arrangements as Australia's visa-free/visa waiver facilitation option. This has resulted in a number of countries accepting the ETA as affording their nationals the equivalent of 'visa-free' entry to Australia. In this way the ETA has led to reciprocal visa-free arrangements for Australians.

s47E(d)

- 
- 

## Background

- The ETA platform (ETAS) is managed by an external service provider, SITA Group, which also provides the Department with the critical Advance Passenger Processing (APP) service and other related border systems services. SITA does not have access to any sensitive holdings.
- ETA applicants can apply for an ETA through a network of over 300,000 travel agents, at check-in at more than 85 airlines and at Departmental overseas posts (a very small percentage). Nationals from eight of the 36 ETA eligible countries can also apply individually online using WebETAS.
- The ETA application requires a range of biographical data (name and date of birth), detailed passport information (including number, date of issue) and declarations (alias, criminal history and acceptance of ETA conditions).

s47E(d)

- 

s47E(d)

[Redacted content]

---

<sup>1</sup> Auto-grant is a facilitative component of online visa applications where applications are granted systematically without manual intervention.

s47E(d)



**Vulnerabilities/potential risks**

- s47E(d)
- On 10 January 2017, a workshop with stakeholders from the Department, the Australian Border Force, Australian Federal Police and the Attorney-General's Department tested processes to detect travellers of concern using a number of scenarios. The aim was to identify key vulnerabilities and possible solutions. The ETA was one of the scenarios tested.

- s47E(d)

**Vulnerability mitigation**

- The risk environment has changed significantly since the ETA was introduced 20 years ago. While the ETA has been highly effective in facilitating high-volume low risk travel, the level of assurance it provides in relation to potential security threats needs to be enhanced in response to the evolving threat environment.
- The Department has undertaken a program of work to enhance the ETA system and mitigate risks. Completed activities since the November 2015 review include:

- a. s47E(d)

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

- b. s47E(d)
- c.
- d.

- The ETA Vulnerabilities Project is implementing further measures to strengthen the ETA system and address the vulnerabilities. Elements include improvements to data integrity, data capture, risk tools, identity and the capture of biometrics.

- s47E(d)

## Attachments

Attachment A – ETA Eligible countries

Attachment B - s47E(d)

Contact Details
Name: Malisa Golightly PSM, Deputy Secretary Visa and Citizenship Services Group
Phone: (w) 02 <span style="background-color: #cccccc; padding: 2px;">s. 22(1)(a)(ii)</span> (m) <span style="background-color: #cccccc; padding: 2px;">s. 22(1)(a)(ii)</span>

## Attachments

### Attachment A

#### ETA Eligible countries

Andorra	USA
Austria	Vatican City
Belgium	
Brunei	
Canada	
Denmark	
Finland	
France	
Germany	
Greece	
Hong Kong	
Iceland	
Ireland, The Republic of	
Italy	
Japan	
Liechtenstein	
Luxembourg	
Malaysia	
Malta	
Monaco	
Norway	
Portugal	
San Marino	
Singapore	
South Korea	
Spain	
Sweden	
Switzerland	
Taiwan	
The Netherlands	
United Kingdom	

**PROTECTED**

**Attachment B**

s47E(1)



**PROTECTED**

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

**PROTECTED**

s47E(d)



**PROTECTED**

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



**Australian Government**  
**Department of Home Affairs**

# REVIEW OF CITIZENSHIP LOSS PROCESS

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

## Key Issues

- Since the enactment of the citizenship loss provisions in the Australian Citizenship Amendment (Allegiance to Australia) Act 2015 (Allegiance Act), the Minister has become aware of one individual that has ceased to be an Australian citizen through these provisions.
- The department is currently reviewing the operation of the provisions including issues which are hindering the efficient and effective operation of the provisions and will report back to government in the first quarter of 2018.

- s47C, s33(a)(i), s47E(d)
- 
- 
- 

## Background

- On 12 December 2015, the Allegiance Act commenced. It amended the Australian Citizenship Act 2007 to provide three mechanisms for the loss of Australian citizenship for dual nationals who act inconsistently with their allegiance to Australia by engaging in terrorism-related behaviour, either in Australia or overseas.
- A dual national's Australian citizenship is lost from the time they engage in terrorism-related conduct or fight for, or are in the service of, a declared terrorist organisation, if they do so with the requisite intent.
- The citizenship loss provisions also provide the relevant minister with a discretionary power to determine the loss of a dual national's Australian citizenship if they have been convicted of, and sentenced for a specific period in relation to, a terrorism-related offence in Australia.

Contact Details
Name: David Wilden, First Assistant Secretary Immigration and Citizenship Policy
Phone: (w) 02 <small>s. 22(1)(a)(ii)</small> (m) <small>s. 22(1)(a)(ii)</small>

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



**Australian Government**  
**Department of Home Affairs**

# GLOBAL COMPACTS ON MIGRATION AND REFUGEES

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

## Key Issues

- Australia is actively engaged in development, through the United Nations, of the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR).
  - The Global Compacts, while not legally binding, are an opportunity for Australia to advocate for a better-planned and more orderly global refugee and migration system which, beyond seeking immediate safety, does not push genuine refugees to use irregular means of seeking asylum and which channels migrant movements to expanded lawful pathways.



- Formal negotiations begin in February 2018 with the release of a first draft of each Global Compact.



- Through the Migration Compact consultations, Australia has focused on:
  - The need for lawful, managed migration;
  - The value of strong border management;
  - Reaffirming the sovereign rights of states;
  - The need to address irregular migration; and
  - Affirmation of existing legal frameworks, particularly in relation to human rights.
- Throughout the Refugee Compact consultations, Australia has focused on:
  - Increased global responsibility sharing for addressing the root causes of displacement; and
  - Shared global responsibility sharing for protecting and assisting refugees and displaced people as close to home as possible, including commitments to reducing drivers for onward irregular movement of refugees.

## Background

On 19 September 2016, Australia joined United Nation Member States in adopting the New York Declaration for Refugees and Migrants and agreeing that States work towards adoption of two non-binding Global Compacts in 2018 – one on refugees, and one on safe, orderly and regular migration. The two Global Compacts were proposed in response to the unprecedented levels of irregular migration and displacement that adversely affect nations’ security, economic, and foreign policy interests.

In September 2017, the Minister for Immigration and Border Protection and the Minister for Foreign Affairs jointly agreed to a policy position paper outlining objectives for development of both Global Compacts. The paper was provided to the Prime Minister’s Office in September 2017 and is currently being considered. Once agreed, the paper will be a public document able to be shared with other States. A number of States have already shared similar policy papers (referred to as non-papers).

A priority for Australia will be to ensure that the specific migration and refugee challenges and sensitivities in the Indo-Pacific are adequately reflected in the Global Compacts. Australia will continue to work regionally, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and bilaterally with key Pacific states.

## US withdrawal from the GCM

Following the US withdrawal from the GCM, other States, including likeminded countries, have strengthened their engagement. The Department judges that there remains good potential for the GCM process to produce outcomes that support Australia’s policy objectives.

## M5

The Migration Five (M5) is the principal officials-level forum through which we engage with our Five Eyes partners on migration matters. M5 countries include Australia, Canada, New Zealand, the UK and the US.

Contact Details
Name: Alice Ling, Assistant Secretary, Humanitarian Family and Citizenship Policy
Phone: (w) 02 <span style="background-color: #cccccc;">s. 22(1)(a)(ii)</span> (m) <span style="background-color: #cccccc;">s. 22(1)(a)(ii)</span>

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



**Australian Government**  
**Department of Home Affairs**

# CITIZENSHIP REFORMS

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

## Key Issues

- On 20 April 2017, the Prime Minister and the Minister for Immigration and Border Protection announced changes to requirements for Australian citizenship.
- An overview of the key reform measures is at [Attachment A](#).
- On 15 June 2017, the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 (the Bill) was introduced into the Parliament.
- The Bill was passed by the House of Representatives on 14 August 2017 and introduced into the Senate on 15 August 2017. The Bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and the report was delivered on 5 September 2017. The Government proposed amendments to the legislation and the Bill was discharged from the Senate Notice Paper on 18 October 2017.
- The Government’s intention is for the new requirements for Australian citizenship to apply from 1 July 2018.
- <sup>s47C</sup> [Redacted]

## Background

- The Bill was discharged from the Senate notice paper on 18 October 2017. Immediately prior to the Bill being discharged from the Senate notice paper, the Government circulated proposed amendments to the Bill.
  - The amendments involve changing the commencement date for the reforms from 20 April 2017 to 1 July 2018, and changing the English language requirements from ‘competent’ to ‘modest’ English (a change from the equivalent of an International English Language Testing System (IELTS) score of 6 to 5).
  - <sup>s34</sup> [Redacted]

## Attachments

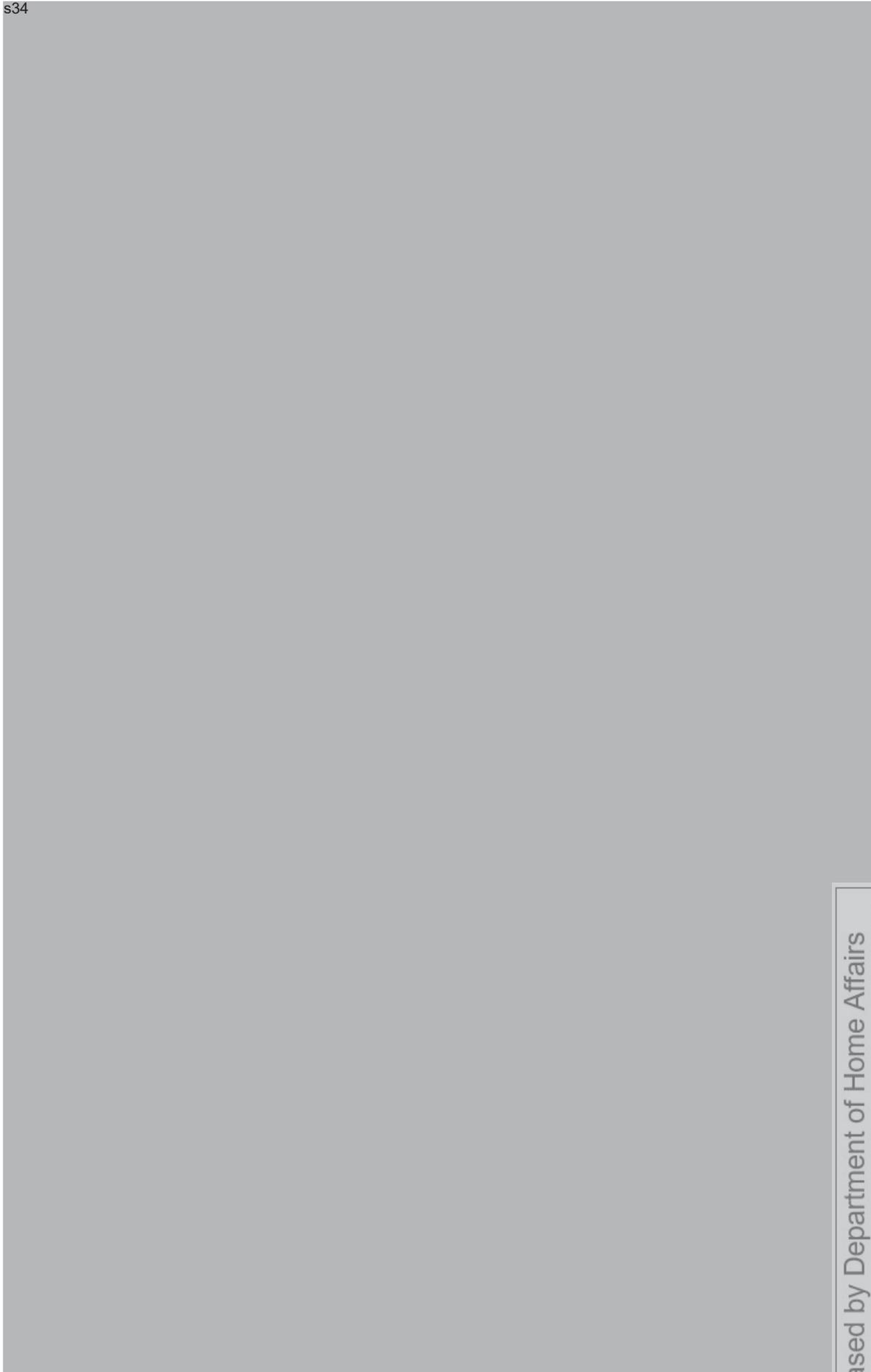
Attachment A – <sup>s34</sup> [Redacted]

Attachment B – Background

Contact Details
Name: David Wilden, First Assistant Secretary Immigration and Citizenship Policy
Phone: (w) 02 <sup>s. 22(1)(a)(ii)</sup> [Redacted] (m) <sup>s. 22(1)(a)(ii)</sup> [Redacted]

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

s34



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

PROTECTED

s34



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

PROTECTED

## Attachment B: Background

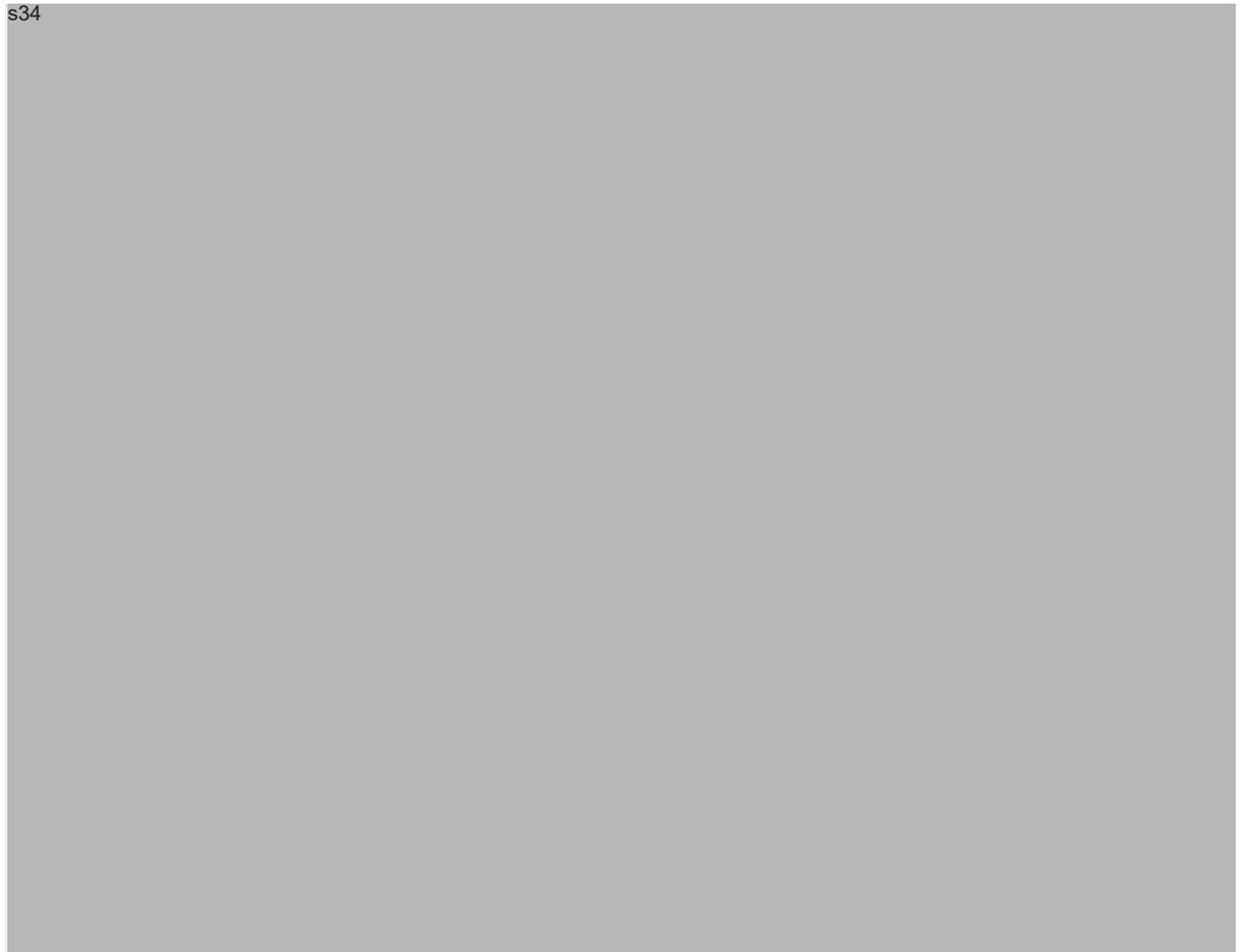
### English Language

#### Difference between 'Competent' English and 'Modest' English

- The difference between a person assessed as being a 'competent' user of English and a 'modest' user of English under the International English Language Testing System (IELTS) is:
  - a 'competent' user of English will have an IELTS 6.0 or equivalent, whilst a 'modest' user of English will have an IELTS 5.0 or equivalent.
  - a 'competent' user of English will have an effective command of the language despite some inaccuracies, inappropriate usage and misunderstandings. They can use and understand fairly complex language, particularly in familiar situations. Whilst a 'modest' user of English will have a partial command of the language and copes with overall meaning in most situations, although they are likely to make many mistakes. They should be able to handle basic communication in their own field.
- The IELTS scale is detailed below:

The IELTS scale		
Band score	Skill level	Description
9	Expert user	The test taker has fully operational command of the language. Their use of English is appropriate, accurate and fluent, and shows complete understanding.
8	Very good user	The test taker has fully operational command of the language with only occasional unsystematic inaccuracies and inappropriate usage. They may misunderstand some things in unfamiliar situations. They handle complex and detailed argumentation well.
7	Good user	The test taker has operational command of the language, though with occasional inaccuracies, inappropriate usage and misunderstandings in some situations. They generally handle complex language well and understand detailed reasoning.
6	Competent user	The test taker has an effective command of the language despite some inaccuracies, inappropriate usage and misunderstandings. They can use and understand fairly complex language, particularly in familiar situations.
5	Modest user	The test taker has a partial command of the language and copes with overall meaning in most situations, although they are likely to make many mistakes. They should be able to handle basic communication in their own field.
4	Limited user	The test taker's basic competence is limited to familiar situations. They frequently show problems in understanding and expression. They are not able to use complex language.
3	Extremely limited user	The test taker conveys and understands only general meaning in very familiar situations. There are frequent breakdowns in communication.
2	Intermittent user	The test taker has great difficulty understanding spoken and written English.
1	Non-user	The test taker has no ability to use the language except a few isolated words.
0	Did not attempt test	The test taker did not answer the questions.

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



#### Pathways for New Zealand citizens

- On 19 February 2016, the Australian Government announced that it would provide an additional pathway to Australian permanent residence for many New Zealand citizens who arrived after 26 February 2001 and before or on 19 February 2016 and who have been living in Australia for at least five years and have shown a commitment and contribution to Australia.
- On 1 July 2017, this additional pathway became a new stream within the Skilled Independent (subclass 189) visa.
- The pathway is for New Zealand Special Category (subclass 444) visa (SCV) holders who have:
  - entered Australia on or before 19 February 2016
  - met the income threshold for at least five years prior to applying, and
  - passed mandatory health, character and security checks.
- For New Zealand citizens holding a Skilled Independent (Subclass 189) visa in the New Zealand stream, the existing residence requirement applies, that is, four years lawful residence in Australia immediately prior to making an application, including at least 12 months as a permanent resident.



**Australian Government**  
**Department of Home Affairs**

# **Bills currently before Parliament**

## Bills currently before the House of Representatives

Bill	Summary	Current status in Parliament
<p><b>Migration Amendment (Skilling Australians Fund) Bill 2017 and Migration (Skilling Australians Fund) Charges Bill 2017</b></p>	<p>The Charges Bill imposes a training contribution charge (SAF levy) payable by persons who are liable to pay the charge under the Migration Act 1958 and the Migration Regulations 1994. The Amendment Bill amends the Migration Act 1958 to require that employers who nominate a worker under the temporary and permanent employer sponsored migration programmes pay the SAF levy.</p>	<p>Introduced into the House of Representatives on 18/10/2017 – awaiting debate</p>
<p><b>Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017</b></p>	<p>To allow the Minister to determine a thing as prohibited. Such a thing will be a prohibited thing in relation to immigration detention facilities and detainees. The Bill also strengthens search and seizure powers, including the use of detector dogs for screening of detainees and visitors and a new statutory power to search facilities operated by or for the Commonwealth, in order to enforce both the existing and new prohibitions.</p>	<p>Introduced into the House of Representatives on 13/9/2017 – awaiting debate</p>
<p><b>Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017</b></p>	<p>Amends the Migration Act, the Income Tax Assessment Act 1936 and the Taxation Administration Act 1953 to support the integrity of the temporary and permanent employer-sponsored skilled visa programmes</p>	<p>Introduced into the House of Representatives on 16/8/2017 – awaiting debate</p>
<p><b>Migration Amendment (Regulation of Migration Agents) Bill 2017 and Migration Agents Registration Application Charge Amendment</b></p>	<p>The Migration Amendment (Regulation of Migration Agents) Bill 2017 amends the Migration Act 1958 to improve the effectiveness of the scheme that regulates migration agents. The Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2017 amends the Migration Agents Registration</p>	<p>Introduced into the House of Representatives on 21/6/2017 – awaiting debate</p> <p>§47C</p>

Bill	Summary	Current status in Parliament
<b>(Rates of Charge) Bill 2017</b>	Application Charge Act 1997 to ensure that a person who paid the non-commercial registration application charge in relation to their current period of registration, but gives immigration assistance otherwise than on a non-commercial basis, is liable to pay an adjusted charge.	§47C
<b>Migration Legislation Amendment (Code of Procedure Harmonisation) Bill 2016</b>	This Bill amends the Migration Act to harmonise and streamline provisions in relation to the code of procedure for review of decisions by the MRD of the AAT, clarify some provisions relating to the conduct of review and notification requirements, make technical amendments in relation to the giving of documents and the mechanism for review of decisions by the IAA in relation to family groups, and amends the AAT Act to make consequential amendments.	Introduced into the House of Representatives on 30/11/2016 – awaiting debate

## Bills currently before the Senate

Bill	Summary	Current status in Parliament
<b>Migration Amendment (Family Violence and Other Measures) Bill 2016</b>	The Bill amends the Migration Act to introduce a sponsorship framework for the sponsored family visa program	Introduced into the House of Representatives on 1/9/2016 and debated in and passed the House on 10/10/2016. Introduced in the Senate on 10/10/2016 – awaiting debate in the Senate  Non-Government amendments have been tabled Government amendments prepared

Bill	Summary	Current status in Parliament
<b>Migration (Visa Revalidation and Other Measures) Bill 2016</b>	This Bill amends the Migration Act to implement a range of government initiatives.	Introduced into the House of Representatives on 19/10/2016 and debated in and passed the House on 9/2/2017. Introduced in the Senate on 9/2/2017 – awaiting debate in the Senate
<b>Migration Amendment (Regional Processing Cohort) Bill 2016</b>	This Bill amends the Migration Act to prevent certain persons from making a valid application for an Australian visa.	Introduced into the House of Representatives on 8/11/2016 and debated in and passed the House on 10/11/2016. Introduced in the Senate on 10/11/2016 – awaiting debate in the Senate



**Australian Government**  
**Department of Home Affairs**

# TEMPORARY LABOUR PROGRAM

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

## Key Issues

- The Temporary Work (Skilled) (subclass 457) visa program is Australia's key temporary skilled labour visa pathway and enables employers to sponsor skilled overseas workers on a temporary basis to fill positions where there are genuine skills shortages.
- The 457 visa program is uncapped, demand-driven and designed to enhance economic productivity by responding to the immediate skill needs of employers that cannot be met within the Australian labour market.
  - There is an inherent tension reflected in stakeholder views of the 457 program between facilitating entry in the case of genuine skills shortages and ensuring that the Australian labour market is not adversely impacted.
- On 18 April 2017, the Prime Minister and the Minister for Immigration and Border Protection announced reforms to Australia's employer sponsored skilled migration programs, including the abolition and replacement of the 457 visa with the Temporary Skill Shortage (TSS) visa in March 2018.
  - The stated purpose was to provide Australian workers with first priority for jobs, while allowing business to access the skills they need to grow if Australians are not available.
  - Complementary reforms will be made to strengthen the integrity of the temporary and permanent employer sponsored skilled migration programs.

s47C

- The Department is currently working on implementing the TSS visa for 3 March 2018, which will include targeted stakeholder consultation to validate policy settings and a broader stakeholder communications campaign.

s47C

- The Temporary Work (Short Stay Activity) (subclass 400) visa provides streamlined unsponsored entry for up to three months for highly specialised workers to respond to the immediate needs of Australian businesses. Longer stays of up to six months may be allowed if a strong business case is provided.
  - The 400 visa does not facilitate entry associated with an ongoing position in Australia, unless in the national interest.
  - Evidence is requested, based on risk, to establish that there would be no adverse impact on Australian employment.

## Background

- The Temporary Skill Shortage (TSS) visa will be introduced in March 2018 and includes a Short-Term stream of up to two years (unless International Trade Obligations apply) and a Medium-Term stream of up to four years.
  - The Short-Term stream – uses the Short-term Skilled Occupation list (STSOL),
  - is subject to one onshore visa renewal only and a genuine temporary entrant assessment.
  - The Medium-Term stream – uses the Medium and Long-term Strategic Skills List (MLTSSL), provides visa renewals onshore and an option to apply for permanent residence after three years.
- The TSS visa will also include expanded or new requirements:
  - mandatory labour market testing (unless international trade obligations apply);
  - two years relevant work experience;
  - a Skilling Australians Fund (SAF) Levy, a payment required from the sponsor at nomination, which depends on the size of the business;
  - a discretionary, non-discriminatory workforce test; and
  - English language (a higher requirement in the Medium-Term stream of the IELTS 5, rather than 4.5 minimum in each component).
- The reforms focus permanent skilled migration on skills Australia needs in the longer term and aim to increase the quality and economic contribution of skilled migrants.
- The occupation lists (STSOL and MLTSSL) will be updated biannually to reflect the changing needs of Australia's labour market. The Department of Employment leads reviews of the occupation lists, the next one due in January 2018, working closely with the Department, relevant government agencies and industry.
- The skilled migration reforms, including the abolition of the 457 visa, are being implemented in four phases, ending in March 2018. Two phases of reform have been implemented to date. The implementation timeline is at Attachment A.
- s47C
- The Department is working with business to ensure that the reforms meet business needs whilst prioritising Australians.

## Attachments

Attachment A – 457 visa reform implementation timeline

Contact Details
Name: Linda Geddes, Acting Deputy Secretary Policy Group
Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)

## Attachment A – 457 visa reform implementation timeline

Date	Details
<b>18 April 2017</b>	<ul style="list-style-type: none"> <li>• Prime Minister announced the Temporary Work (Skilled) (subclass 457) visa (457 visa) will be abolished and replaced with a new Temporary Skill Shortage (TSS) visa.</li> </ul>
<b>19 April 2017</b>	<ul style="list-style-type: none"> <li>• The occupations lists were recalibrated to better reflect the skill needs of our economy.</li> </ul>
<b>1 July 2017</b>	<ul style="list-style-type: none"> <li>• The occupations lists were updated.</li> <li>• Many of the concerns raised by various industries after the 19 April changes were addressed in the 1 July update, after significant industry consultation and analysis by the Department of Employment.</li> <li>• Integrity changes made to the 457 visa and permanent employer sponsored skilled migration programmes.</li> </ul>
<b>16 August 2017</b>	<ul style="list-style-type: none"> <li>• The Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017 was introduced to implement tax file number sharing and allow publishing names of sponsors that are sanctioned for breaching their sponsorship obligations. <ul style="list-style-type: none"> <li>○ Before the House of Representatives.</li> </ul> </li> </ul>
<b>18 October 2017</b>	<ul style="list-style-type: none"> <li>• The Migration (Skilling Australians Fund) Charges Bill 2017 and the Migration Amendment (Skilling Australians Fund) Bill 2017 were introduced in the House of Representatives on 18 October 2017. <ul style="list-style-type: none"> <li>○ Before the House of Representatives.</li> </ul> </li> </ul>
<b>January 2018</b>	<ul style="list-style-type: none"> <li>• The Department of Employment will provide recommendations on the update of occupation lists, carrying ongoing responsibility for consultation and further updates.</li> </ul>
<b>March 2018</b>	<ul style="list-style-type: none"> <li>• The TSS visa will be introduced.</li> <li>• Employers nominating workers for employer sponsored skilled migration programs will contribute to the training of Australians by paying a Skilling Australians Fund (SAF) levy [subject to the Bills passing].</li> </ul>



**Australian Government**  
**Department of Home Affairs**

# AUSTRALIAN TRUSTED TRADER

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

## Key Issues

- The Australian Trusted Trader program (ATT) is a trade facilitation program open to all Australian business that import, export or provide services that support the international supply chain.
- ATT is Australia's Authorised Economic Operator (AEO) program in accordance with the World Customs' Organization (WCO) guidelines on AEOs.
- ATT accredits Australian businesses that demonstrate secure supply chain and trade compliant practices, and rewards them with a range of trade facilitation benefits.
- The program enhances the competitiveness of Australian international businesses, and provides more efficient holistic border management processes.
- The Australian Government is realising efficiency savings through the recognition of low-risk trade by Trusted Traders, which allows the Australian Border Force (ABF) to focus efforts on high risk trade.
- To be eligible to become a Trusted Trader, Australian business need:
  - an Australian Business Number (ABN);
  - two years' history of participation in international trade activities; and
  - the ability to demonstrate financial solvency.
- As at 8 December 2017, there were 119 fully accredited Trusted Traders.
- We are committed to achieving a participation target of 1000 Trusted Traders by 2020, when it is expected that Trusted Traders will account for approximately 30 per cent of transactional two-way trade in goods volume and 50 per cent of two-way trade in goods value.
- Australia continues to negotiate Customs-to-Customs Mutual Recognition Arrangements (MRAs), which allow Trusted Traders access to trade facilitation measures beyond Australia's borders, in those countries with which MRAs have been signed.
- s47C [REDACTED]

### Benefits to Trusted Traders

- Benefits available to Trusted Traders include:
  - an Australian Border Force (ABF) Account Manager;
  - licence to use the ATT logo;
  - differentiated border treatment;
    - the cargo of Trusted Traders is treated as a priority, if physical cargo examination is required;
  - automatic monthly reports on the Traders' imports and exports from the Integrated Cargo System (ICS);
  - accredited sponsorship under the 457 Visa Programme;
  - priority (top of the pile) trade services when requesting duty drawbacks, refunds, and advanced rulings on tariff, valuation and origin;
  - reduction in the number of import declarations required for consolidated shipments;
  - trade facilitation benefits in export markets through MRAs; and
  - an annual ATT Symposium.

- We are working with industry and other government agencies to expand the suite of benefits to include:
  - streamlined cargo reporting arrangements;
  - deferral of customs duties;
  - new MRAs with other countries' similar programs;
  - waiving of legislated requirements for documentary evidence of origin (Certificate of Origin and Declaration of Origin) for goods imported by Trusted Traders; and
  - streamlined access to the APEC Business Travel Card (ABTC) Scheme for eligible employees of Trusted Traders.
- The Department is working with stakeholders to explore a range of new ATT trade facilitation benefits for the longer term, including:
  - better alignment of border processes and legislative alignment of other Government programmes that accredit businesses to facilitate trade and/ or elements of supply chain security; and
  - secure trade lanes with MRA partners.

#### Mutual Recognition Arrangements

- MRAs are Memorandum of Understanding level arrangements between two countries' customs organisations with equivalent AEO programs.
- MRAs enable customs administrations to streamline border processing of goods providing traders increased predictability, certainty and speed to market.
- Australia negotiates MRAs with countries that are strong trading partners and have comparable 'trusted trader' programs.
- In this way, Australian Trusted Trader exporters gain access to trade benefits, such as faster border clearance, overseas in countries where we establish a MRA.
- Australia has signed MRAs with New Zealand, the Republic of Korea, Canada, Hong Kong and the People's Republic of China.
- The benefit of MRAs for Australia's exporters is valued at \$2.8 billion over the next ten years by providing ATT exporters with faster access to international markets through reciprocal arrangements.
  - The recently signed MRA with China has been estimated at around half a billion dollars over 10 years.
- We are continuing MRA negotiations with Singapore for completion in mid-2018.
- We are also in negotiations for MRAs with the United States, Japan, Taiwan and Thailand.

#### Engagement with industry

- ATT's policy framework was co-designed with industry.
- The Department uses the ATT Industry Advisory Group (IAG) to engage industry on the future policy design of ATT.
  - The IAG meets on a quarterly basis and members include Trusted Traders, industry bodies and other government agencies.

## Background

- There is no business size or trade volume/value threshold for business participation in ATT.
- The Australian Trusted Trader Steering Committee (ATTSC) oversees the development and implementation of ATT.

- The ATTSC has standing members from all relevant government agencies including the Department and DAWR.
- ATT is based on the World Customs Organization (WCO) Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework). Similar programmes worldwide are known as AEO programs and have been implemented by all of Australia's major trading partners (including the United States, Canada, New Zealand, Japan, the People's Republic of China and the European Union) over the last ten years.
  - ATT was launched on 1 July 2016, making Australia the 65th country to implement an AEO programme.

## Attachments

Attachment A – s45, s47E(d)

Contact Details
Name: Andrew Chandler, Acting First Assistant Secretary
Phone: (w) 02 <span style="background-color: #cccccc; padding: 0 20px;">s. 22(1)(a)(ii)</span> (m) <span style="background-color: #cccccc; padding: 0 20px;">s. 22(1)(a)(ii)</span>

s45, s47E(d)



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

s45, s47E(d)



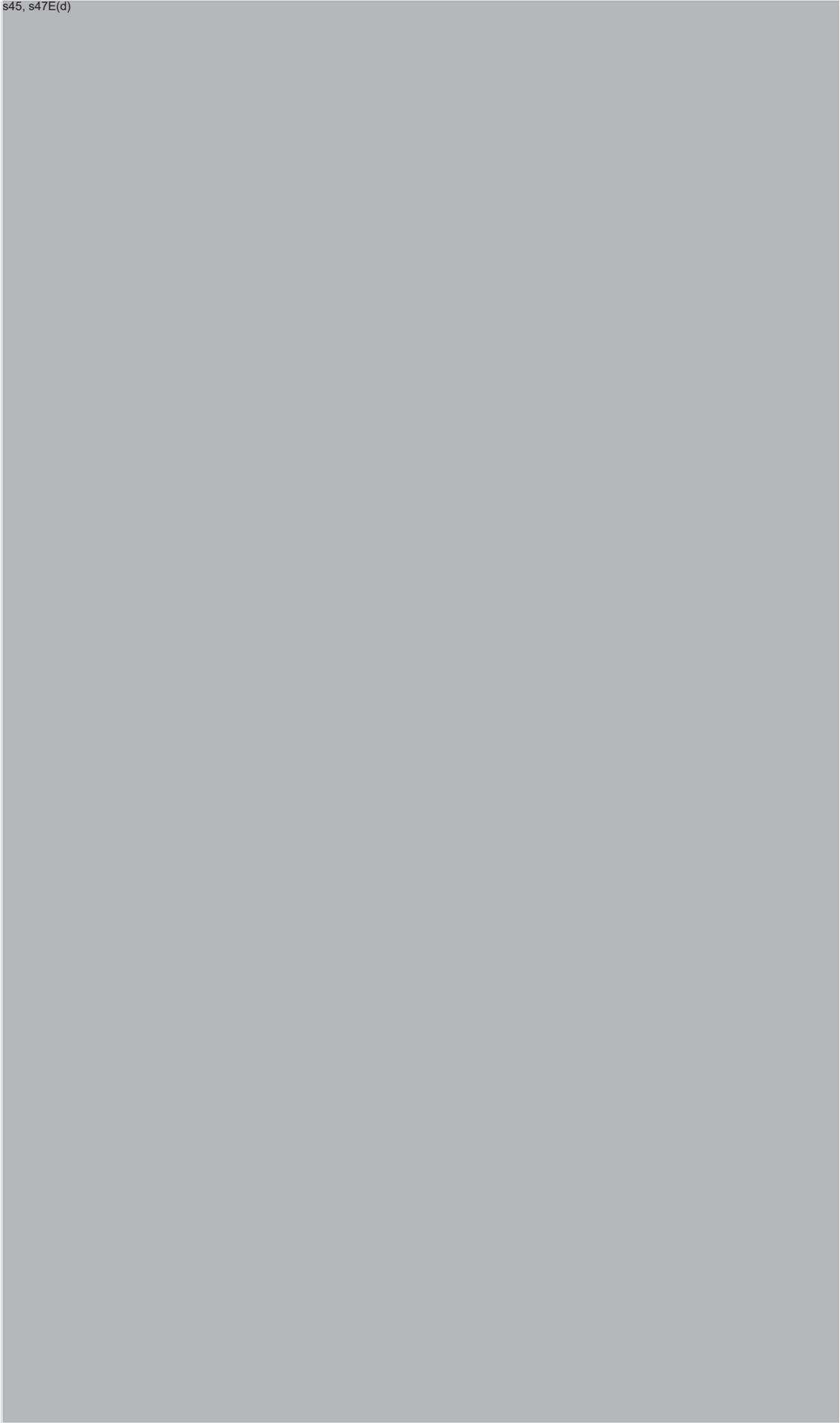
Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

s45, s47E(d)



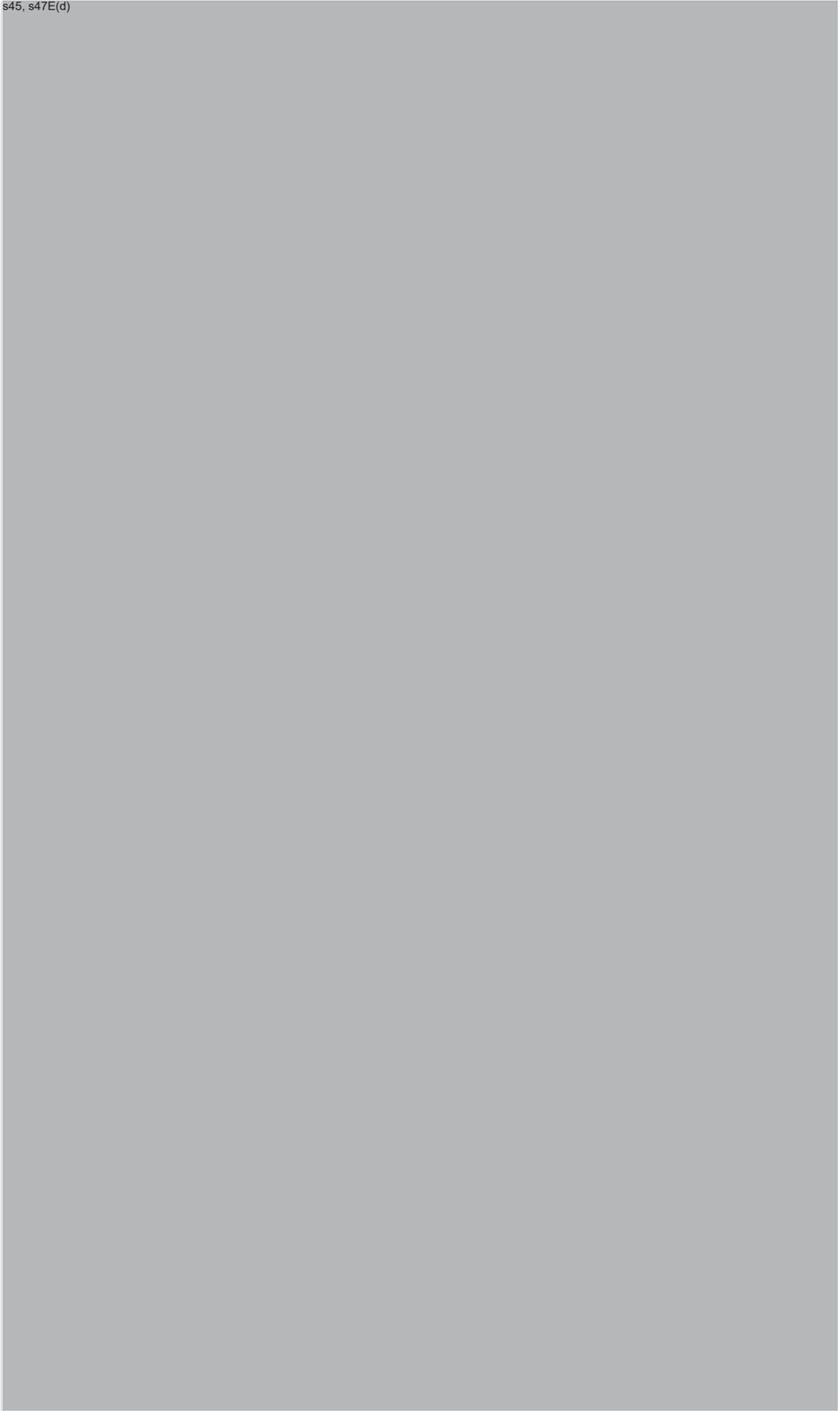
Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

s45, s47E(d)



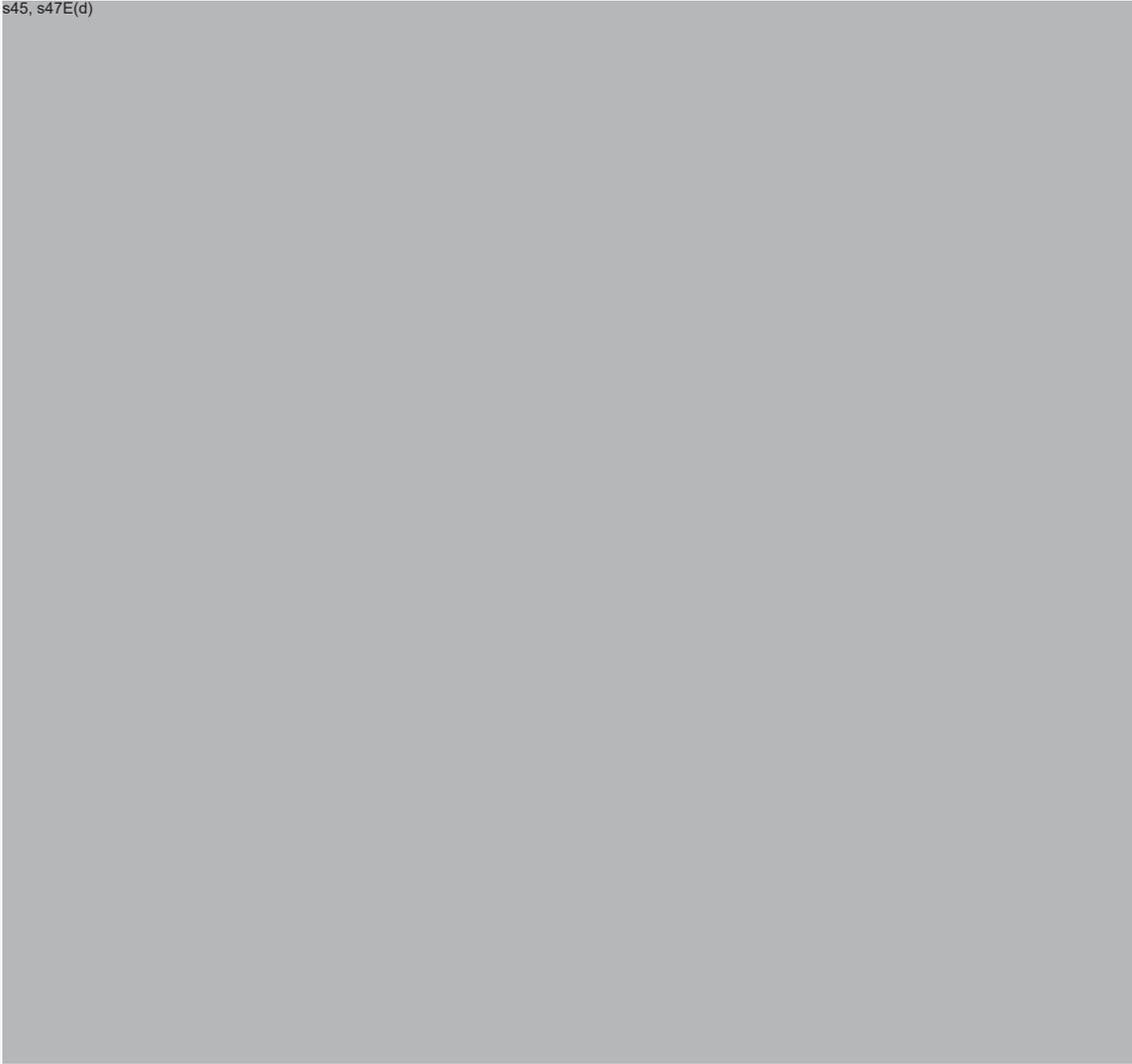
Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

s45, s47E(d)



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

s45, s47E(d)



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



**Australian Government**  
**Department of Home Affairs**

# DIGITAL TRANSFORMATION

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

## Key Issues

- Digital transformation is a key priority for the Department. Our digital transformation efforts extend beyond just service delivery to areas of intelligence, biometrics, service transformation and contemporary technologies that support our front line staff.
- Over the period 2016 to 2019, the volume of people and goods crossing our border is projected to increase significantly. If we do not keep up with demand and transform our digital platforms and service, our ability to sustain or current work will significantly diminish.
- To address these challenges, we have prepared a comprehensive Technology Strategy 2020. It identifies key technological objectives that support the Department in its delivery of adaptive ICT systems that will support Australia's competitive edge in our endeavours to remain a preferred destination for tourism, study, trade and migration.
- The Department also continues to play a critical role in whole-of-Government digital transformation. The Department contributed to the development of, the soon to be, released Innovation and Science Australia 2030 Strategic Plan. The Department will also support the Digital Economy Review, which identifies digital trade (and blockchain) as key initiatives and the Department of Foreign Affairs and Trade (DFAT) International Cyber Engagement Strategy through its trade modernisation agenda.
- The Department is committed to working with and supporting Digital Transformation Agency (DTA) initiatives such as the Digital Service Standards and the Trusted Digital Identity Framework (TDIF).

## Trade modernisation

- Leveraging on the transformation efforts in the Immigration Reform programme, the trade modernisation agenda will seek to modernise how goods are traded across Australia's border by reforming international trade border regulations, systems and processes. The agenda will be a multi-phased reform effort (up to ten years) that will include initiatives to reduce costs of trade between traders, government, service providers and third parties; and strengthen the facilitation of legitimate cargo and goods, while making it harder for organised crime to penetrate our networks.
- Single window is a whole of government reform initiative. Exploratory work led by the DTA to bring forward a joint proposal with DFAT on a single window for international trade.
- The Department is also working with key international partners to progress a number of in-flight trade modernisation initiatives including a Trans-Tasman Secure Trade Lane proof of concept trial with New Zealand.

## Aviation Security

- The aviation sector remains an enduring and high priority target for terrorists. The recent disrupted terrorism plot in Sydney in July 2017 exposed vulnerabilities in Australia's aviation security arrangements and highlighted the need for tighter security measures. With the advent of the borderless global supply chain, there is an increase in Australia based and international actors, operating at varying levels of capability and intent, importing illegal items through internet purchases and having them delivered by air cargo and mail straight to their doorstep.

- s34 [redacted] Hardening and improving the resilience of crowded places reduces both the likelihood of a terrorist attack occurring and the consequences of such an attack.

## Seamless Borders

- With trials to commence in March 2018, Canberra Airport will become the testing ground early next year for the next generation of arrival SmartGates. The new SmartGates will eventually lead to contactless processing for international travellers arriving in Australia.
- Using new biometric facial authentication, the gates will allow contactless processing for international travellers arriving in Australia, enabling an increasing number of incoming passengers to pass through the airport without having to produce their passport.
- After the Canberra trial, 105 new SmartGates will be rolled out across Australia's international airports through 2018-19.

### Contact Details

Name: Michael Milford, First Assistant Secretary Major Capability

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  

---

**Department of Home Affairs**

# TRADE MODERNISATION

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

## Key Issues

### *Agenda*

- In order to meet the challenges of increasing trade volumes, complex supply chains, and growing security threats, the Department of Home Affairs (the Department) is developing a trade modernisation agenda <sup>s47C</sup> [REDACTED].
- This agenda will:
  - seek to modernise how goods are traded across Australia's border by reforming international trade border regulations, systems and processes;
  - increase the competitiveness of Australian international businesses; and
  - enhance supply chain security and trade compliance.
- Trade modernisation will be a multi-phased reform effort (up to ten years) that will include initiatives to:
  - reduce the costs of trade by streamlining, harmonising or eliminating interactions between traders, government, service providers and third parties; and
  - strengthen the facilitation of legitimate cargo and goods, while making it harder for organised crime to penetrate our networks.

### *Approach*

s47C



- Key components of a trade modernisation agenda include; a single window for international trade and the expansion of Australian Trusted Trader (ATT).

#### *Single window for international trade*

- The Department, in a strategic partnership with the Department of Foreign Affairs and Trade (DFAT), is developing options for a single window for international trade that would

- allow Australian businesses to fulfil border clearance requirements across all Government agencies through a single digital entry point;
- enable earlier identification of border threats through improved knowledge of the supply chain (as information about imports and exports will be more transparent and communicated earlier); and
- provide better access for industry to trade information.
- In late September 2017, a Digital Transformation Agency (DTA) supported exploratory work for a single window commenced.
  - The Department; DFAT, Department of Industry, Innovation and Science; DTA, and Department of Agriculture and Water Resources are part of this work.
  - s47C [REDACTED]

*Expanding ATT*

- ATT is a voluntary program that provided trade facilitation benefits to Australian businesses that are trade complaint (and have demonstrated that they have secure supply chains).
- s47C [REDACTED]

## Background

- As part of the 2016 Coalition election platform, the Government committed to working towards establishing a single window.

- s. 22(1)(a)(ii) [REDACTED]
- [REDACTED]

Contact Details	
Name: Andrew Chandler, Acting First Assistant Secretary Traveller, Customs and Industry Policy	
Phone: (w) 02 s. 22(1)(a)(ii) [REDACTED]	(m) s. 22(1)(a)(ii) [REDACTED]

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



**Australian Government**  
**Department of Home Affairs**

# FREE TRADE AGREEMENTS

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

## Key Issues

- Free trade agreements (FTA) promote new opportunities for Australian business and strengthen trade norms that enable Australia's economic success. Sixty-four per cent of Australia's total trade is conducted with FTA partners. This figure is expected to significantly increase once the eight in-negotiation FTAs enter into force.
- The Department of Home Affairs (the Department) works with the Department of Foreign Affairs and Trade (DFAT) – as the lead agency – and other Commonwealth Government departments in the preparation for and negotiation of Australia's FTAs.
- To support the negotiation process, the Department provides technical and policy advice on immigration and customs-related issues, including on:
  - rules of origin — to ensure tariff concessions are only claimed for eligible goods;
  - customs procedures and trade facilitation — to support efficient trading processes; and
  - the movement of natural persons — to ensure commitments regarding labour and services are consistent with Australia's visa programmes and requirements.
- Once an FTA has been agreed, the Department implements Australia's obligations on the movement of goods and natural persons, including tariff reductions, through facilitating amendments to the *Customs Act 1901*, the *Customs Tariff Act 1995*, associated regulations, and a legislative instrument under the *Migration Act 1958*.
  - The tabling of the amendments to these Acts and the examination of the treaty by the Joint Standing Committee on Treaties are the key steps where the Parliament can debate and examine the text of new FTAs.
- Following entry-into-force of an FTA the Department also manages border-related compliance and verification procedures on goods and natural persons.
- The Department has dedicated policy and operational areas to assist importers and exporters in taking advantage of existing FTAs.
  - The Department provides industry with extensive written and verbal advice in the form of procedural instructions, notices, and *ad hoc* advice on FTA origin verification, refunds, and customs valuation.

## Background

- Australia has ten FTAs in operation, including with Australia's largest trading partners China, the United States, Korea and Japan (please see **Attachment A** for a full list of Australia's FTAs).
- The **Pacific Agreement on Closer Economic Relations (PACER) Plus** – involving Pacific Forum Island Countries, Australia and New Zealand — was signed in Nuku'alofa, Tonga, on 14 June 2017. Legislation to implement the FTA domestically is expected to be introduced in 2018.
- <sup>s33(a)(iii)</sup> [REDACTED]
- A further eight FTAs are under negotiation.
  - **Trans-Pacific Partnership** (also known as the 'TPP-11'). In November 2017, TPP-11 Ministers (Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam) reached substantive agreement on the core elements of a new "Comprehensive and Progressive Agreement for Trans-Pacific Partnership". <sup>s33(a)(iii)</sup> [REDACTED]

- The **Peru Australia Free Trade Agreement (PAFTA)** concluded on 10 November 2017. Ministers are expected to sign the Agreement in early 2018. The PAFTA will then undergo Australia's domestic treaty-making processes, including a parliamentary inquiry by the Joint Standing Committee on Treaties.
- <sup>s33(a)(iii)</sup> [REDACTED]
- The **Australia-Hong Kong Free Trade Agreement** made substantial progress in 2017. <sup>s33(a)(iii)</sup> [REDACTED]
- The **Regional Comprehensive Economic Partnership (RCEP)** – comprises the ten Association of South-East Asian Nations (ASEAN) and their six FTA partners – Australia, China, India, Japan, Korea and New Zealand. The next round of negotiations is expected to take place in February 2018. <sup>s33(a)(iii)</sup> [REDACTED]
- The first round of negotiations of the **Pacific Alliance-Australia Free Trade Agreement** was held in Colombia on 23-27 October 2017. The Pacific Alliance comprises Chile, Colombia, Mexico and Peru. The second round of negotiations is expected to be held in Australia in January 2018.
- The ninth round of negotiations for the **Australia-India Comprehensive Economic Cooperation Agreement (AI-CECA)** took place in New Delhi in September 2015. <sup>s33(a)(iii)</sup> [REDACTED]
- The **Gulf Cooperation Council (GCC)** <sup>s33(a)(iii)</sup> [REDACTED] The GCC composes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. <sup>s33(a)(iii)</sup> [REDACTED]

Contact Details
Name: Andrew Chandler, Acting First Assistant Secretary Traveller, Customs and Industry Policy
Phone: (02) <sup>s. 22(1)(a)(ii)</sup> [REDACTED] – (m): <sup>s. 22(1)(a)(ii)</sup> [REDACTED]

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

*Chronological list of FTAs by Entry into Force Date*

1 January 1983	Australia - New Zealand Closer Economic Relationship Trade Agreement (ANZCERTA)
28 July 2003	Australia - Singapore FTA (SAFTA)
1 January 2005	Australia - Thailand FTA (TAFTA)
1 January 2005	Australia - US FTA (AUSFTA)
6 March 2009	Australia - Chile FTA (ACIFTA)
1 January 2010	ASEAN - Australia - New Zealand FTA (AANZFTA)
1 January 2013	Australia - Malaysia FTA (MAFTA)
12 December 2014	Australia - Korea FTA (KAFTA)
15 January 2015	Japan - Australia Economic Partnership Agreement (JAEPA)
20 December 2015	China - Australia FTA (ChAFTA)
1 December 2017	SAFTA Amendment



**Australian Government**  
**Department of Home Affairs**

# **PROHIBITED AND RESTRICTED IMPORT/ EXPORT GOODS FRAMEWORK**

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

## Key Issues

- Import and export controls on certain goods are managed under Commonwealth legislation. These controls reflect Government policy and Australia's international commitments and obligations.
- The Department of Home Affairs (the Department) must be satisfied that the import or export of border controlled goods complies with conditions set out in the applicable legislation. Imported goods that do not meet these requirements may be seized at the border.
- The majority of import controlled goods are prohibited unless the importer has a permit to import the goods. Import controlled goods include therapeutic drugs, firearms, goods containing high levels of heavy metals, asbestos, ozone depleting substances, industrial chemicals that are dangerous for the environment, or objectionable material.
- The importation of some goods, including suicide devices and documents relating to suicide, and certain dangerous breeds of dogs, is prohibited absolutely.
- Export controlled goods include drugs and precursor substances, asbestos, certain chemicals, nuclear material, sanctioned goods, liquefied natural gas (in certain circumstances), and goods listed on the Defence and Strategic Goods List (DSGL). The DSGL is a compilation of military and dual-use goods and technologies. Dual-use items have a commercial purpose but can also be used in military systems or for weapon of mass destruction purposes.
- The penalties under the *Customs Act 1901* associated with importing or exporting high-risk goods without permission, such as firearms, weapons and child-abuse material, is up to 10 years imprisonment or 2,500 penalty units (currently \$525,000), or both.
- Policy ownership for the majority of prohibited imports and exports is the responsibility of over 40 Commonwealth Departments and agencies. The Department engages with these agencies to ensure alignment of legislation and policy. Engagement between the Department and relevant policy owners contributes to the effectiveness of border controls, their impact on legitimate trade, and subsequent amendments to the legislation where necessary.

## Background

- The Department and its operational agency, the Australian Border Force (ABF), is responsible for the targeting, detection, seizure, storage, and related enforcement activity for prohibited and restricted goods that are being imported and exported, while facilitating the movement of legitimate trade and travel.
- Prohibited and restricted goods are goods that are controlled at the border upon import and/or export. This is done under Commonwealth legislation, including the *Customs Act 1901*, the Customs Regulation 2015, the Customs (Prohibited Imports) Regulations 1956 and the Customs (Prohibited Exports) Regulations 1958.
- A range of non-exhaustive criteria needs to be considered in deciding whether a border control is the most effective mechanism for stopping products at the border, including:
  - evidence that there is a need for a proposed border control, including whether the products pose a potential harm to the community
  - the ability of ABF officers to effectively administer the proposed control at the border
  - the effect on enforcement resources of the Department and its agencies, as the same resources used to identify high-risk goods such as illegal drugs and firearms would also enforce any new border control
  - the approach to restricting these products at the border is consistent with domestic controls
  - the relative costs and benefits of alternative options.

- The current Senate Inquiry into Non-conforming Building Products is inquiring into the importation of products containing asbestos and its impact on public health.
  - The Senate Inquiry released its interim report on asbestos on 22 November 2017
  - Of the 26 recommendations in the report, those relevant to the Department include strengthening legislation and penalties for asbestos importation, increasing engagement with industry and importers, and enhancing Australia's current asbestos testing regime – including ABF resourcing to detect asbestos importation
  - The Department is working with the Department of Employment, the Commonwealth lead on asbestos policy, on drafting the Government response to the interim report.
- Another issue that the Senate Inquiry into Non-conforming building products is focussing on is the implications of the use of non-compliant external cladding materials in Australia; specifically, aluminium composite panels that contain polyethylene as a core material.
  - The interim report was released on 6 September 2017
  - The report recommended introducing a border prohibition on polyethylene core aluminium panels
  - The Government's dissenting report within the interim report did not support a border prohibition as there is domestic manufacture of these goods, and they have legitimate uses when used correctly
  - The Department is working with the Department of Industry, Innovation and Science on the Government's response.
- The full report of the Senate Inquiry into Non-conforming building products, including on the topics of asbestos and aluminium composite panels that contain polyethylene, is due to be released on 30 April 2018.

**Contact Details**

Name: Andrew Chandler, Acting First Assistant Secretary Traveller, Customs and Industry Policy Division

Phone: (w) s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# INTERNATIONAL MAIL INITIATIVES

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

## Key Issues

- The Department is seeking to modernise and upgrade its approaches to risk assessment, targeting and intervention in international mail, including use of mail data and leveraging technology in mail facilities.
- The key drivers for change are:
  - Australia Post's modelling indicates that Australia will continue to see high growth in international mail volumes due to the global eCommerce boom. <sup>s47G</sup>
  - s37(2)(b), s47E(d)
  - s33(a)(i)
- s47E(d)
- New/upgraded inspection technology, increased use of automation and development of capability to capture and use mail data for risk assessment and targeting is required.
- The Department is building capability to capture mail data and integrate the data into our risk and intelligence systems for 'real time' mail risk assessment and targeting purposes. This is being done in consultation with Australia Post and the Department of Agriculture and Water Resources (DAWR).
  - To test this capability, an eCommerce international mail 'green lane' trial (green lane trial) between Australia and New Zealand was conducted in September 2017.
  - The trial validated processes for using test intelligence profiles against the mail data to identify items of border agency interest.
- Internationally, the Department, with Border Five (B5) partners, has been prosecuting mail data acquisition to inform risk assessment through the World Customs Organization (WCO) and the Universal Postal Union (UPU), to achieve the following objectives:
  - to accelerate uptake of mail data globally to increase the pool of data available to Australia;
  - to test and build capability by conducting mail data exchange trials, such as the green lane trial between Australia and New Zealand;
  - to achieve WCO endorsement of a draft Resolution on Cross-Border E-Commerce, which is needed to underpin future work including development of guidance materials for customs administrations; and
  - to contribute to data standardisation and improving mail data quality.

- Priorities Home Affairs will pursue during 2018 include:
  - building on the success of the green lane trial, Australia will work with New Zealand in 2018 on a 'pilot' concept, to test policy and procedures to underpin an ongoing trans-Tasman arrangement for the movement and clearance of international mail in the future;
  - to plan participation in a B5 proof of concept (similar to the green lane trial), where mail data is exchanged amongst B5 countries and used for risk assessment and targeting;
  - to continue working through relevant sub-committees of the WCO and UPU to accelerate uptake of mail data globally;
  - to present Australia's vision for the future of the international mail environment at two key global strategic level WCO conferences to secure buy-in internationally;
  - domestically, to accelerate work with Australia Post and DAWR to re-design international mail facilities to accommodate new technology and design how process flows and operations will change as a result; and
  - progressing initiatives to modernise the international mail environment, including mail data acquisition and the installation of new and upgraded mail screening equipment.

## Additional Background

- There have been significant changes in the international mail environment over the past five years, driven by the global boom in eCommerce, with huge growth in the number of low value parcels being moved through the international mail stream. <sup>s47G</sup>

### Contact Details

Name: Andrew Chandler, Acting First Assistant Secretary, Traveller, Customs and Industry Policy Division

Phone: (w) 02 <sup>s. 22(1)(a)(ii)</sup> (m) <sup>s. 22(1)(a)(ii)</sup>



Australian Government

Department of Home Affairs

# TOBACCO REFORM

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

## Key Issues

- Illicit tobacco imports undermine government revenue and health objectives, including by:
  - Competing with revenue-paid tobacco; and
  - Not adhering to manufacturing and plain packaging standards.
- In 2016-17, noting that increases in tobacco excise would likely increase the prevalence of illicit tobacco imports; the Government provided \$7.7 million to the Australian Border Force (ABF) to expand the Tobacco Strike Team.
- Since commencing in October 2015, the Strike Team has seized 91 tonnes of tobacco and 199 million cigarettes—worth approximately \$196 million in equivalent revenue (at 30 September 2017). Strike Team funding terminates on 30 June 2018.
- In this context, the Department of Home Affairs (the Department) is working with relevant government agencies, including Treasury and the Australian Tax Office to improve the way we manage illicit tobacco at the border.

## Background

- Tobacco includes a variety of products, including for example cigarettes, plants, seeds and unmanufactured leaf—but does not include ‘vapour’, ‘smoke-free’ or e-cigarette products.
- Government agencies share policy and operational responsibility for tobacco. The Department and ABF are responsible for collecting duties and taxes at the border, and detecting, deterring and disrupting illicit border trade.
  - The Department of Health has policy responsibility from a public health perspective, Treasury and ATO from a revenue perspective, and state and territory jurisdictions in the domestic and retail environments.

### Implementing Approved Measures

#### *Strengthening offences*

- The Department is working with Treasury and ATO on legislative amendments for 2018 to strengthen illicit tobacco offences. This will increase the range and severity of penalties available, enabling greater enforcement and prosecutions.

#### *Excise increases*

- The Department will increase the excise equivalent customs duties payable on tobacco through four annual increases of 12.5 per cent from 2017 until 2020, and other adjustments that ensure different tobacco products are treated comparably.

### The illicit tobacco market

- Estimates in the public domain suggest that between 3 and 14 per cent of tobacco consumed in Australia is illicit.
- The Department is working with ATO to estimate the illicit tobacco tax gap.

### Engaging the Tobacco Industry

- Australia is a party to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).
  - Article 5.3 obliges Australia to take steps to protect its policy setting, law making and law enforcement from interference from the tobacco industry and its interests.

Black Economy Taskforce

- The Treasury led Black Economy Taskforce was established to develop whole-of-government recommendations to the growing economic and social problems caused by the black economy.
- The Department will work with Treasury and other government agencies to address any relevant recommendations.

**Contact Details**

Name: Andrew Chandler, Acting First Assistant Secretary Traveller, Customs and Industry Policy Division

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# **CONTRIBUTION TO ECONOMIC PROSPERITY – REGULATORY REFORM AGENDA**

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

## Key Issues

### Changes to regulatory compliance costs

- The Government introduced the Regulatory Reform Agenda (the Agenda) in September 2013.
- The Agenda commits the Government to reducing the cost of unnecessary or inefficient regulation imposed on individuals, business and community organisations by at least \$1 billion per annum.
- Noting that in January 2016 the reporting schedule changed from calendar to financial year, from January 2016 to June 2017 the Department of Immigration and Border Protection (DIBP) contributed \$56.2 million net compliance savings towards the Government's target. This brings DIBP's total savings to \$200 million from September 2013 to June 2017.
- The 2016-17 Annual Regulatory Reform Report is expected to be published soon and will advise that, since commencement through to June 2017, the total net reduction in compliance costs across Government amounts to \$6 billion.

### Regulator Performance Framework

- The Government released the Regulator Performance Framework (RPF) as part of the Agenda in October 2014.
- The RPF requires regulators to self-assess their annual performance in: reducing regulatory burden, communicating with regulated entities, and implementing risk-based and proportionate approaches to regulation.
- There are three review processes under the RPF, targeting different aspects of the overall compliance of regulators. These being:
  - an annual financial-year self-assessment published by 31 December each year
  - an external review during the first three years of the framework by a panel of government and industry representatives (with outcomes to be made publically available)
  - annual external reviews of major regulators undertaken at the discretion of the Government and the Department of the Prime Minister and Cabinet.

### Departmental Performance

- The DIBP 2016-17 RPF self-assessment report has been finalised and validated by the National Committee on Trade Facilitation (NCTF). The next step is validation by the Ministerial Advisory Council on Skilled Migration.
- The report will be provided to the Minister for Home Affairs for information prior to publication in early 2018. The report assesses past performance and does not comment on the Department of Home Affairs.
- DIBP is also undergoing an external review of its self-assessments for 2015-16 and 2016-17.
- The RPF requires that this review be conducted by a panel comprising a representative from the portfolio, a comparable or 'like' regulator, and a member of the regulated community/industry sector. The panel comprises the following members:
  - DIBP representative: Ms Chloe Bird, Assistant Secretary Immigration Policy Reform Taskforce.
  - Representative from a 'like' regulator: Mr Andrew Johnson, General Manager Portfolio Coordination at the Department of Infrastructure and Regional Development.

- Member of the regulated community: <sup>s47F</sup> [REDACTED], NCTF member and representative of the Conference of Asia Pacific Express Carriers.
- The 2017-18 self-assessment will include reporting on incoming regulatory functions for the Department of Home Affairs.

**Contact Details**

Name: Steven Groves, Acting Deputy Secretary Corporate / Chief Operating Officer

Phone: (w) 02 <sup>s. 22(1)(a)(ii)</sup> [REDACTED] (m) <sup>s. 22(1)(a)(ii)</sup> [REDACTED]



**Australian Government**  
**Department of Home Affairs**

# COUNTER TERRORISM

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

## Key Issues

### *Threat environment*

- Since 2014, our national terrorism threat level has been PROBABLE.
- The scale, tempo and complexity of the counter-terrorism challenge in Australia today is unprecedented.
- Australia has mature and effective counter-terrorism governance structures, including coordination and close partnerships between all levels of government, communities and the private sector.
- Cooperation between Commonwealth and state and territory police, intelligence and security agencies is strong but there is more we can do.
- Agencies continue to assess that most of the Australian foreign fighters in Syria and Iraq will remain there for now.
  - But a very small number may return to Australia (voluntarily or involuntarily), and may try to bring their children with them.

### *Stopping people from becoming terrorists*

- The Countering Violent Extremism (CVE) Centre leads the Commonwealth's CVE efforts. The Commonwealth's approach to addressing CVE is based on four strategic priorities:
  - Protect Australians by addressing the factors and conditions that increase vulnerability to violent extremism within communities;
  - Challenge violent extremist ideologies, especially online;
  - Increase awareness in our communities and a range of frontline officials (such as school leadership teams, police, health professionals, prison staff) to identify and support individuals at risk of radicalisation to violence; and
  - Divert Australians at risk of violent extremism through programs that support disengagement, rehabilitation and reintegration.

s33(a)(i)



- The Commonwealth is working closely with jurisdictions on the implementation of the post-sentence preventative detention scheme introduced by the *Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016* (HRTO Act). The earliest an application could be made for the continuing detention of a terrorist offender is mid-2018, and the earliest an order could commence is mid-2019.

*Shaping the global environment*

s33(a)(i), s33(a)(iii)

- Australia continues to provide military and humanitarian support to the Philippines to support its fight against ISIL-aligned extremists in the Southern Philippines.
  - The Marawi City siege (23 May-23 October 2017) confirms ISIL's ability to galvanise foreign and local Islamist extremists. The Australian Government is working with the Government of the Philippines, and other partners in South East Asia, to fight terrorism.
  - Australia is providing \$20 million over four years in humanitarian aid to the Philippines and intelligence, surveillance and reconnaissance support and urban warfare training.
- Australia will host a Special Summit for ASEAN Leaders in March 2018, including a Counter-Terrorism Conference (chaired by the Counter-Terrorism Coordinator Mr Tony Sheehan) that aims to deepen cooperation.
  - Australia is proposing the signing of an ASEAN-Australia Memorandum of Understanding on Cooperation to Combat International Terrorism as a key outcome of the ASEAN-Australia Special Summit 2018.

*Disrupting terrorist activity within Australia*

s33(a)(iii)

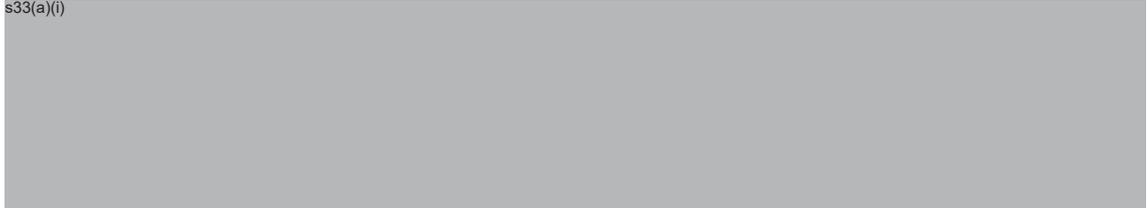
- A key strategic policy and coordination priority is preventing the travel of Australians of counter-terrorism interest to conflict zones, managing their return to Australia and assisting partner countries to manage the return of their own foreign fighters.
  - Agencies carefully coordinate, prioritise and manage the potential return of Australian foreign fighters (and their children) to achieve the optimal national security and public safety outcomes for Australia.
  - s33(a)(i)
- On 5 October 2017, the Council of Australian Governments (COAG) agreed to enhance the existing Commonwealth pre-charge detention regime under Part IC of the *Crimes Act 1914* and introduce new Commonwealth offences for:
  - the possession of instructional terrorist material; and
  - terrorism hoaxes

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

*Effective response and recovery*

- At the October 2017 Special COAG on Counter-Terrorism, first ministers agreed to a range of legislative and operational measures to enhance Australia’s counter-terrorism response.
- Most terrorist attacks we are likely to experience in Australia could be over in minutes. The immediate (0-30 minute response) of police is critical to saving lives, as we saw in the Barcelona, Manchester, London and Stockholm attacks.

s33(a)(i)



- States and territories lead the response to terrorist attacks in their jurisdictions but can request assistance from the Commonwealth, including specialist ADF support, under Part IIIAAA of the *Defence Act 1903*. Proposed amendments to Part IIIAAA (to be introduced in the Autumn 2018 sitting with T status) would allow a state or territory to request ADF assistance to a terrorism incident before their capacity and capability is exceeded. The proposed amendments also broaden call out provisions, enabling the ADF to respond to land and maritime threats, in addition to the current provisions for aviation threats.
- Defence has also engaged states and territories to identify and pursue specific activities to support jurisdictions’ police capabilities, such as through specialist training, access to ADF facilities to police tactical groups, and increased Special Forces engagement.

*Governance structures*

- The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) is the key forum for strategic dialogue on counter-terrorism matters of mutual interest to all Australian governments and New Zealand. The ANZCTC forward work program includes:
  - implementation of the 2017 Triennial Review of Australia’s National Counter-Terrorism Arrangements (the Triennial Review) recommendations;
  - implementation of outcomes from the October 2017 Special CT COAG Meeting; and
  - enhancing and promoting the implementation of Australia’s Strategy for Protecting Crowded Places from Terrorism (the Strategy) released by the Prime Minister on 20 August 2017.
- The CCTC provides a classified annual Evaluation of Commonwealth Counter-Terrorism Activities to the Prime Minister, in accordance with Australia’s Counter-Terrorism Strategy. The 2017 evaluation provide a concise snapshot of Australia’s counter-terrorism efforts with a focus on key counter-terrorism outcomes since July 2016, as well as upcoming challenges and the efficacy of coordination within and between the counter-terrorism missions, and across government more broadly.

Contact Details
Name: Tony Sheehan, Deputy Secretary Commonwealth Counter-Terrorism Coordinator
Phone: 02 s22(1)(a)(ii)

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



**Australian Government**  
**Department of Home Affairs**

# **CYBER SECURITY**

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

# Key Issues

## Challenges

- Cyber security has become the number one risk for governments and corporates globally. It's a discussion held in the boardroom and the lounge room, and underpins trust and confidence in a civil online society in a modern economy. Cyber security can unlock growth potential in companies and for countries.
- The conversation on cyber security has shifted from national security to economic prosperity, as digital technologies are part of most aspects of our everyday lives.
- The pace, scale and reach of malicious cyber activity is evolving. In particular, cybercrime is growing in sophistication and scale. We need to be able to aggressively shape and control the environment we're operating in and uproot cyber criminals and malicious actors wherever they are.
- Foreign intelligence services are also engaged in covert influence and interference on an unprecedented scale. The experience of the United States and other foreign partners highlights the damaging impact that cyber activity can have in undermining democratic institutions. Raising the level of the Government's cyber security is a critical part of defending Australia's electoral systems and processes.
- Cyber supply chain risks threaten governments and businesses alike. The theft of security plans at Perth airport was achieved through the lax security of a contractor. And the rapid growth of the Internet of Things (IoT) devices is introducing cyber risk in sectors as broad as automotive, healthcare and agriculture. It is introducing threats into Australian homes as well as enabling denial of service attacks on a massive scale.
- Incidents, such as WanaCry and Petya, have demonstrated the devastating speed and impact of cyber threats on a global scale.

s47C

[Redacted content]

## Opportunities

- The Department of Home Affairs will be able to coordinate action at an unprecedented rate, closely aligning cyber policy with domestic security and economic priorities.
- Similarly, the colocation of the cyber policy team within the new Australian Cyber Security Centre, draw on the operational cyber expertise of our intelligence colleagues.
- A strong cyber security posture will support the growth of the digital economy and will ultimately yield untold benefits. With the right investment and coordination, we have an opportunity to situate Australia as a global leader on cyber security.

## Actions

- s47C
- [Redacted content]
- [Redacted content]
- [Redacted content]

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

## Background

s47C

- 

- 



### Contact Details

Name: Alastair MacGibbon, Deputy Secretary Commonwealth Cyber Coordinator

Phone: (02) s22(1)(a)(ii)

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



Australian Government  
Department of Home Affairs

# TRANSPORT SECURITY

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

## Key Issues

### Aviation Security

- The separate Aviation Security briefing provides an overview of the key issues impacting the aviation sector. The points it covers on the Aviation Security Identity Card (ASIC) regime and security screening training will also touch the air cargo and maritime transport industries and these initiatives are not repeated here.

### Air Cargo

- Work is underway to strengthen screening of outbound international and domestic air cargo screening to ensure it is robust against contemporary security threats. Currently, all air exports to the United States (US) are screened at the piece level. The intention is to apply piece level screening, or its equivalent for items that cannot be physically screened, to all international outbound and domestic air cargo. The regime is likely to involve businesses approved either to: screen air cargo to a high standard at the piece level or as a Known Consignor, thereby securing cargo from its source onto the aircraft.
- The US Transport Security Administration (TSA) approves Australia's National Cargo Security Plan (NCSP) which allows Australia to export to the US. The NCSP is due to expire on 1 July 2018 and we are working with the US on an extension beyond that date.

### Aviation Security

s33(a)(i), s33(a)(iii)

- Australia conducts a Last Port of Call (LPOC) aviation security assessment program, undertaking inspections of international airports and airlines conducting direct flights to Australia. There are approximately 60 international LPOC locations.

- s33(a)(i), s33(a)(iii)
- 

s33(a)(i)

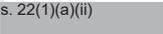
Released by Department of Home Affairs  
under the Freedom of Information Act 1982

s33(a)(i)



## National Compliance Plan (NCP)

- OTS inspectors undertake compliance activities across the aviation, maritime and offshore oil and gas sectors. Activities include audits, inspections and system tests.
- s33(a)(i) 
- A strategy, and forward program of regulatory changes, to continue to expand and strengthen the program has been developed.

Contact Details
Name: Sachi Wimmer, Executive Director Office of Transport Security
Phone: (w)  (m) 



**Australian Government**  
**Department of Home Affairs**

# AVIATION SECURITY

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

## Key Issues

- New regulations were made in October 2017 to require random screening of workers in restricted areas at major airports, as well as stronger access controls and additional security awareness training requirements. Implementation arrangements will be phased in over 12 months commencing 20 January 2018.
- The Transport Security Amendment (Serious Crime) Bill 2016 is presently before the Senate and will exclude people who have been convicted of serious crimes from gaining an Aviation or Maritime Security Identity Card (ASIC or MSIC).
- Home Affairs has introduced a strengthened approach to covert testing of aviation security screening systems at major airports, with new test pieces being introduced, including simulated explosives. Testing helps to identify gaps in security screener performance and is part of a comprehensive national compliance plan.
- Preparation is underway to implement Government's recent decisions to enhance security screening equipment at the 10 high-volume Australian airports.
  - These airports will be required to implement the most advanced technology for screening of outbound passengers and their baggage, including body scanners to screen all people. <sup>s47C</sup> [REDACTED] <sup>s47C</sup> [REDACTED]. All costs of implementation will be borne by industry.
- <sup>s47C</sup> [REDACTED]
- <sup>s33(a)(i)</sup> [REDACTED]
- Home Affairs is consulting with industry to develop new regulatory requirements for security arrangements in the public (landside) areas of major airports.
- <sup>s47C</sup> [REDACTED]

Contact Details
Name: Sachi Wimmer, Executive Director Office of Transport Security
Phone: (w) <sup>s. 22(1)(a)(ii)</sup> [REDACTED] (m) <sup>s. 22(1)(a)(ii)</sup> [REDACTED]

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



**Australian Government**  
**Department of Home Affairs**

# CRITICAL INFRASTRUCTURE

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

## Key Issues – Critical Infrastructure Centre

- The Centre is a multi-agency, multi-disciplinary capability, established in January 2017 to better understand and manage the national security risks of espionage, sabotage and coercion from foreign involvement in critical infrastructure.
  - Foreign involvement includes direct investment in assets, and involvement through supply chains.
- The Centre conducts risk assessments; develops and implements risk management strategies; and undertakes compliance activities. It focusses on the key high-risk sectors of telecommunications, electricity, gas, water and ports; and data security risks more broadly.
- The Centre is also responsible for implementing the *Critical Infrastructure Resilience Strategy*, which guides industry to improve its understanding of security risk and build resilience to all-hazards. The Trusted Information Sharing Network (TISN), established in 2003, is the face of the business-government partnership. It provides a secure, non-competitive environment for CI owners and operators to share information and collaborate across eight sector groups.

### *Risk Assessments*

- The majority of the Centre’s resources are dedicated to national security risk assessments which support the Treasurer’s decision making on foreign investments.

- s33(a)(i), s47E(d)  
[Redacted]
- [Redacted]

- s33(a)(i), s47, s47E(d)  
[Redacted]
- [Redacted]

Other priorities for 2018 include:

### *Legislation:*

- Supporting passage and implementation of the Security of Critical Infrastructure Bill 2017 (see Attachment B), and
- Implementing the Telecommunications Sector Security Reforms (TSSR) (see Attachment C).

### *Engagement:*

- Hosting the Industry Consultation on National Security (ICONS) – a joint Ministerial-CEO level forum on national security matters.

- s33(a)(i), s47E(d)  
[Redacted]

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

## Background

### Legislation

#### *Security of Critical Infrastructure Bill*

- The Government introduced the Security of Critical Infrastructure Bill into Parliament on 7 December 2017, following nation-wide consultations with over 680 stakeholders, including state governments, industry, investors and regulators.
- The Government has referred the Bill to the Parliamentary Joint Committee on Intelligence and Security for inquiry. The Committee will report in early March 2018.
- The Bill will support the work of the Centre by introducing two regulatory measures:
  - A critical infrastructure assets register to capture who owns, controls and has access to, critical infrastructure assets.
    - This information is a crucial part of assessing the potential risks of sabotage, espionage and coercion from foreign involvement in critical infrastructure assets.
  - A Ministerial directions power which will allow the Minister to issue a direction to an owner or operator of a critical infrastructure asset to mitigate national security risks.
    - The directions power will be subject to safeguards including ensuring that existing regulatory frameworks cannot be used to enforce mitigations.

#### *Telecommunications sector security reforms*

- The Centre is responsible for implementing the *Telecommunications and Other Legislation Amendment Act 2017*, known as the Telecommunications Sector Security Reforms (TSSR).
- The reforms, which will commence in September 2018 following a 12-month implementation period, introduce new security and notification obligations on the telecommunications sector.
- The legislation aims to better manage national security risks to Australia's telecommunications sector by placing obligations on telecommunications carriers (owners of network equipment) and carriage service providers (operators of network equipment) to:
  - do their best to protect their networks and facilities, and
  - for carriers and nominated carriage service providers, to notify material changes to their networks and facilities.
- TSSR also provides a 'last resort' power for the Minister to direct a provider to either undertake an action or refrain from an action.

### Engagement and strategy

#### *Critical Infrastructure Program for Modelling and Analysis (CIPMA)*

- CIPMA's analytical work underpins the work of the Centre. The analytical models (geospatial, temporal and company ownership) provide an in-depth understanding of ownership, interdependencies, vulnerabilities of and disruptions to supply chains.

### Contact Details

Name: s. 22(1)(a)(ii), A/g Assistant Secretary Critical Infrastructure Centre

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)

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

## Attachments

**Attachment A:** <sup>s47E(d)</sup> [REDACTED]

**Attachment B:** Fact sheet - Security of Critical Infrastructure Bill 2017

**Attachment C:** Fact sheet - Implementation of the Telecommunications Sector Security Reforms

## Attachment A

s47E(d)



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

## Attachment B

# Fact sheet – Security of Critical Infrastructure Bill 2017

### Why legislation is needed

The Security of Critical Infrastructure Bill 2017 is designed to manage the national security risks from foreign involvement in Australia's critical infrastructure.

Foreign involvement in Australia's critical infrastructure is vital to Australia's prosperity and the Government is committed to ensuring Australia remains an attractive place to invest and do business. However, with increased foreign involvement through ownership, offshoring, outsourcing and supply chain arrangements, Australia's critical infrastructure is more exposed than ever to sabotage, espionage and coercion.

The Bill will allow the Government to develop a deeper understanding of national security risks from foreign involvement in critical infrastructure, and work with owners and operators of critical infrastructure to develop and implement mitigations where necessary.

### What is in the legislation?

The legislation outlines two measures to manage national security risks related to critical infrastructure:

The creation of a **critical assets register** will provide Government greater visibility and understanding of who owns, controls and has access to critical infrastructure assets. This information is a crucial part of assessing the potential risks of sabotage, espionage and coercion from foreign involvement in critical infrastructure assets.

The **'last resort' ministerial directions power** will allow the Minister to issue a direction to an owner or operator of a critical infrastructure asset to mitigate national security risks. The directions power would only be able to be used where:

- there is a risk identified which is prejudicial to security
- through collaboration, the owner or operator does not or cannot implement mitigations to address the risk, and
- there are no existing regulatory frameworks that can be used to enforce mitigations.

The Minister will be required to be satisfied of certain matters, consult, and give consideration to a number of factors before being able to issue a direction, including:

- giving primary consideration to a mandatory ASIO adverse security assessment
- being satisfied that 'good faith' negotiations have occurred
- consulting directly and having consideration for any representation made by the relevant First Minister and state or territory minister and the affected entity to which the direction applies
- considering the costs and consequences to services in implementing the mitigation, and
- ensuring the direction is a proportionate response to the risk.

### What assets will the legislation apply to?

The Security of Critical Infrastructure Bill will apply to the most critical assets in the highest-risk sectors of ports, gas, electricity and water.

On behalf of the Government, the Critical Infrastructure Centre has worked with industry and governments to strike an appropriate balance between managing national security risks and minimising the regulatory burden on owners and operators of critical infrastructure.

The following assets are covered by this legislation:

## Ports

Specific Australian ports that are vital for defence purposes, liquid fuel imports and bulk cargo exports.

## Gas

The legislation applies to the following critical gas assets that ensure the reliability and security of gas supply to the Eastern, Western and Northern markets, and meet Australia's export demands:

- processing facilities with a capacity of at least 300 terajoules per day
- storage facilities with a maximum daily quantity capacity of at least 75 terajoules per day
- distribution networks or systems ultimately servicing 100,000 customers, and
- while subject to the making of specific rules, likely to apply to transmission assets that have a minimum set terajoule capacity per day for each gas market, as set out below, as well as the Tasmanian Gas Pipeline:
  - Eastern market – 200 terajoules per day
  - Northern market – 80 terajoules per day
  - Western market – 150 terajoules per day.

## Electricity transmission, generation and distribution

Networks, systems or interconnectors used for transmission or distribution of electricity that ultimately service at least 100,000 customers, or electricity generation stations that are critical to ensuring the security and reliability of an electricity network in a state or territory

While subject to the making of specific rules, the electricity generation stations likely to be captured by the legislation include:

- those stations that are contracted to provide a system restart service which provide the ability to restart generators in the electricity network and ultimately commence restoration of load, and
- any synchronous generator which generates electricity above the following particular MW threshold in the jurisdiction in which it is located:
  - New South Wales – 1400MW
  - Victoria – 1200MW
  - Queensland – 1300MW
  - Western Australia – 600MW
  - South Australia – 600MW
  - Tasmania – 700MW
  - Northern Territory – 300MW.

## Water

Water or sewerage systems or networks that ultimately service at least 100,000 water and/or sewage connections and where there is an entity that holds a licencing agreement with a state or territory regulator to operate the water utility.

## Attachment C

# Fact sheet – Implementation of the Telecommunications Sector Security Reforms

### Purpose of the reforms

- Espionage, sabotage and foreign interference pose real and growing national security threats to Australia's telecommunications sector.
- The reforms are designed to strengthen the current framework for managing national security risks to Australia's critical telecommunications networks and facilities.
- The reforms provide a more proportionate response to addressing national security risks than currently exists by encouraging industry to engage early on proposed changes to their networks and services to mitigate risks to national security and minimise costs to remedy vulnerabilities.

### Status of reforms

- The *Telecommunications and Other Legislation Amendment Act 2017* will commence on 18 September 2018, following a 12-month implementation period.
- The legislation passed the Parliament in September 2017.

### Who has obligations?

- Under the legislation, carriers, carriage service providers and carriage service intermediaries have new security and notification obligations.
  - Carriers are persons who **own** a telecommunications network unit to supply services for carrying communications. <sup>s47E(d)</sup>
  - Carriage service providers **use or operate** a telecommunications network unit to supply carriage services to the public. <sup>s47E(d)</sup>
  - Carriage service intermediaries have a **contractual arrangement** with a customer to resell a carriage service. <sup>s47E(d)</sup>
  - Nominated carriage service providers are companies that the AG has **nominated** under the *Telecommunications (Interception and Access) Act 1979*.

### What are the obligations?

- **Security obligation:** All carriers, carriage service providers and carriage service intermediaries are required to do their best to protect networks and facilities from unauthorised access and interference – including a requirement to maintain 'competent supervision' and 'effective control' over telecommunications networks and facilities owned or operated by them.
- **Notification obligation:** Carriers and nominated carriage service providers will be required to notify government of planned changes to their networks and services that could compromise their ability to comply with the security obligation.
- **Information gathering power:** The Secretary of the Attorney-General's Department has the power to obtain information and documents from carriers, carriage service providers and carriage service intermediaries, to monitor and investigate their compliance with the security obligation.
- **Directions power:** The Attorney-General has a new directions power, to direct a carrier, carriage service provider or carriage service intermediary to do, or not do, a specified thing that is reasonably necessary to protect networks and facilities from national security risks.



**Australian Government**  
**Department of Home Affairs**

# EMERGENCY MANAGEMENT

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

## Key Issues

- Australia's exposure to natural hazards is increasing in both frequency and intensity. This is principally driven by a changing climate, an increasing population, an increasing exposure to hazardous areas through variable land use practices (e.g. new settlements and economic activities), and entrenched vulnerabilities within the existing landscape. This, in turn, is placing significant pressure on governments to respond to these effects to improve preparedness, mitigation, resilience, response, relief and recovery activities in various ways through the establishment and implementation of law, policies, programs, research, capability and resources.
- Within this context, state and territory governments are increasingly relying upon the Australian Government to fund a range of mitigation, resilience and recovery initiatives through existing programs such as the Natural Disaster Relief and Recovery Arrangements (NDRRA), the Disaster Resilience Australia Package or the National Partnership Agreement on Natural Disaster Resilience.
- The Australian Government has responded to this challenge by:
  - Inviting the states and territories to work with the Australian Government to develop a five year mitigation framework to improve Australia's resilience to natural hazards. The framework will include a national disaster risk information platform supported by a national information partnership, a nationally agreed method to address Australia's highest priority natural hazard risks and vulnerabilities, and reform in relevant policy areas to embed disaster mitigation, risk reduction and resilience considerations into all levels of decision-making, processes and rules.
  - Reforming the NDRRA from a program of expenditure and acquittal to a program of upfront assessment of damage and payment on estimate of cost that allows efficiencies to be reinvested in mitigation programs to further limit future damage
  - Developing a range of national initiatives in the coordination of state and territory resources, the national depiction of incident information, and the coordination of strategic operational decision making
- Emergency Management Australia (EMA), a division in the Department of Home Affairs, is leading this work on behalf of the Australian Government. EMA is headed by Director General Mark Crossweller, AFSM.
- Three branches carry out EMA's role, delivering strategic priorities through a range of policy and programme activities:
  - The Crisis Management Branch delivers the all-hazards crisis coordination capability for the Australian Government, the Department of Home Affairs Watch Office and protective security advice for holders of high office and major events.
  - The Disaster Resilience Strategy Branch drives national outcomes through policy development, the delivery of funding programs, oversight of the Australian Institute for Disaster Resilience and managing Australia's global engagement on disaster risk reduction efforts.
  - The Disaster Recovery Branch manages national disaster recovery payments, shapes and influences the Australian Government's policy on disaster recovery, and ensures recovery assistance is consistent with Australian Government policy on emergency management.
- Working closely with state and territory governments and the international emergency management community, EMA delivers critical programmes, policies and services that strengthen and maintain Australia's national security, crisis and emergency management capability.
- Key priorities include:
  - better understanding the ways in which Australians are affected by disasters and how we can reduce their impact;

- integrating disaster risk reduction and resilience into government policies, plans programs and decision making;
- developing, in conjunction with the states and territories, a five year national disaster mitigation framework;
- delivering reformed national disaster recovery funding arrangements, including commensurate governance and assurance frameworks for administering the programs;
- progressing the development of a national public safety mobile broadband capability and associated national framework for public safety communications;
- developing a national implementation plan for the *Sendai Framework for Disaster Risk Reduction 2015-30*, including scoping a national platform on disaster risk reduction contributing to implementation of the United Nations 2030 Agenda for Sustainable Development;
- coordinating national level security arrangements for the Commonwealth Games 2018 and centenary of ANZAC commemorations;
- managing and administering the Natural Disaster Relief and Recovery Arrangements (refer Attachment A), the Australian Government Disaster Recovery Payment and the Australian Government Disaster Recovery Allowance, including financial management, information management and the provision of advice to stakeholders;
- ensuring appropriate physical security measures are in place at the Electorate Offices, Ministerial Offices and residences of Australian High Office holders and 'at risk' Parliamentarians;
- operating the Australian Government Crisis Coordination Centre and providing whole-of-government situational awareness to inform national decision-making and coordination of Australian physical assistance during disasters and national security incidents;
- operating the Department of Home Affairs Watch Office; and
- operating the National Security Hotline by providing information from members of the public to Australia's police and security agencies for further analysis.

## Background

- The increasing prevalence and severity of natural disasters will have significant impacts on Australian communities. In addition, increased community expectation for personalised services will create challenges in supporting people and communities to be more resilient and aid recovery after disasters.
- State and territory governments are responsible for emergency management in their jurisdictions. EMA coordinates Australian Government disaster assistance to them, both physical and financial, and ensures cooperation and collaboration on emergency management policies and practices. This helps to strengthen national disaster resilience and best manage the impact of disasters on Australian communities.
- EMA supports the states and territories at policy, coordination, technical and financial levels. In practical terms, EMA sets national policy and drives its implementation. It also administers disaster resilience and recovery funding and provides a national centre of excellence for knowledge and community engagement on disaster resilience.

- EMA has an all-hazard, comprehensive approach to managing disasters and crises which includes national security incidents and natural disasters that require a coordinated response across government. Crises requiring whole-of-government action are managed through Cabinet, particularly the National Security Committee, supported by senior officials. Governance and decision-making structures at the officials' level are the same for both types of events. This ensures minimal duplication, common escalation pathways and clear lines of advice to Government.

## Attachments

Attachment A – Natural Disaster Relief and Recovery Arrangements Payment Table

Contact Details
Name: Mark Crosweller AFSM, Director General Emergency Management Australia
Phone: 02 <span style="background-color: #cccccc;">s22(1)(a)(ii)</span> (w) <span style="background-color: #cccccc;">s22(1)(a)(ii)</span> (m)

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

Actual payments (historical data)

State	Financial year of payment - Payment made by Treasury											Total	
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18			
NSW		\$ 6,145,752				\$ 482,757,416					\$ 101,675,795		\$ 590,578,963
Vic	\$ 270,473,027	\$ 4,292,902	\$ 500,000,000			\$ 625,875							\$ 775,391,804
Qld		\$ 104,520,785	\$ 2,256,000,000	\$ 2,950,957,923	\$ 900,000	\$ 1,586,970,986	\$ 1,162,591,868		\$ 1,103,408,574				\$ 9,165,350,136
WA				\$ 1,688,757	\$ 52,645,062	\$ 53,225,647			\$ 684,378	\$ 2,654,195			\$ 110,898,039
SA										\$ 4,038,687			\$ 4,038,687
Tas		\$ 600,205			\$ 7,237,299	\$ 13,773,424							\$ 21,610,928
ACT													\$ -
NT	\$ 9,550,188	\$ 2,724,508	\$ 2,430,399	\$ 7,917,447	\$ 16,278,649								\$ 38,901,191
<b>Totals</b>	<b>\$ 280,023,215</b>	<b>\$ 118,284,152</b>	<b>\$ 2,758,430,399</b>	<b>\$ 2,960,564,127</b>	<b>\$ 77,061,010</b>	<b>\$ 2,137,353,348</b>	<b>\$ 1,162,591,868</b>	<b>\$ -</b>	<b>\$ 1,104,092,952</b>	<b>\$ 108,368,677</b>	<b>\$ -</b>	<b>\$ 1,446,125</b>	<b>\$ 10,706,769,748</b>

updated: 20 Nov 2017

State	Financial year of payment - Loans payment made by AGD											Total	
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18			
NSW						\$ 32,666,120						\$ 1,446,125	\$ 34,112,245
Vic	\$ 128,732												\$ 128,732
Qld		\$ 11,133,450		\$ 7,615,832					\$ 18,533,954				\$ 37,283,236
WA													\$ -
SA													\$ -
Tas													\$ -
ACT													\$ -
NT													\$ -
<b>Totals</b>	<b>\$ 128,732</b>	<b>\$ 11,133,450</b>	<b>\$ -</b>	<b>\$ 7,615,832</b>	<b>\$ -</b>	<b>\$ 32,666,120</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 18,533,954</b>	<b>\$ 1,446,125</b>	<b>\$ -</b>	<b>\$ 1,446,125</b>	<b>\$ 71,524,212</b>

updated: 20 Nov 2017



**Australian Government**  
**Department of Home Affairs**

# **PROVISION OF BORDER SERVICES AT NEW INTERNATIONAL PORTS**

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

## Key Issues

### There is a strong demand for new border services

- Border agencies [Departments of Home Affairs (Home Affairs) and the Department of Agriculture and Water Resources (DAWR)] are engaged with 12 new or redeveloping air and sea ports (ports) in relation to the provision of border services (Attachment A refers).

s47E(d)

s34, s47

- s47C

s34, s47

### Hobart and Avalon have preferred start dates

- In the past three months, Hobart and Avalon airports have indicated that they will require additional border services to support potential new international services from late 2018.

s47E(d)

•

•

s34

## Background

- s47 [Redacted]
- s34, s47 [Redacted]

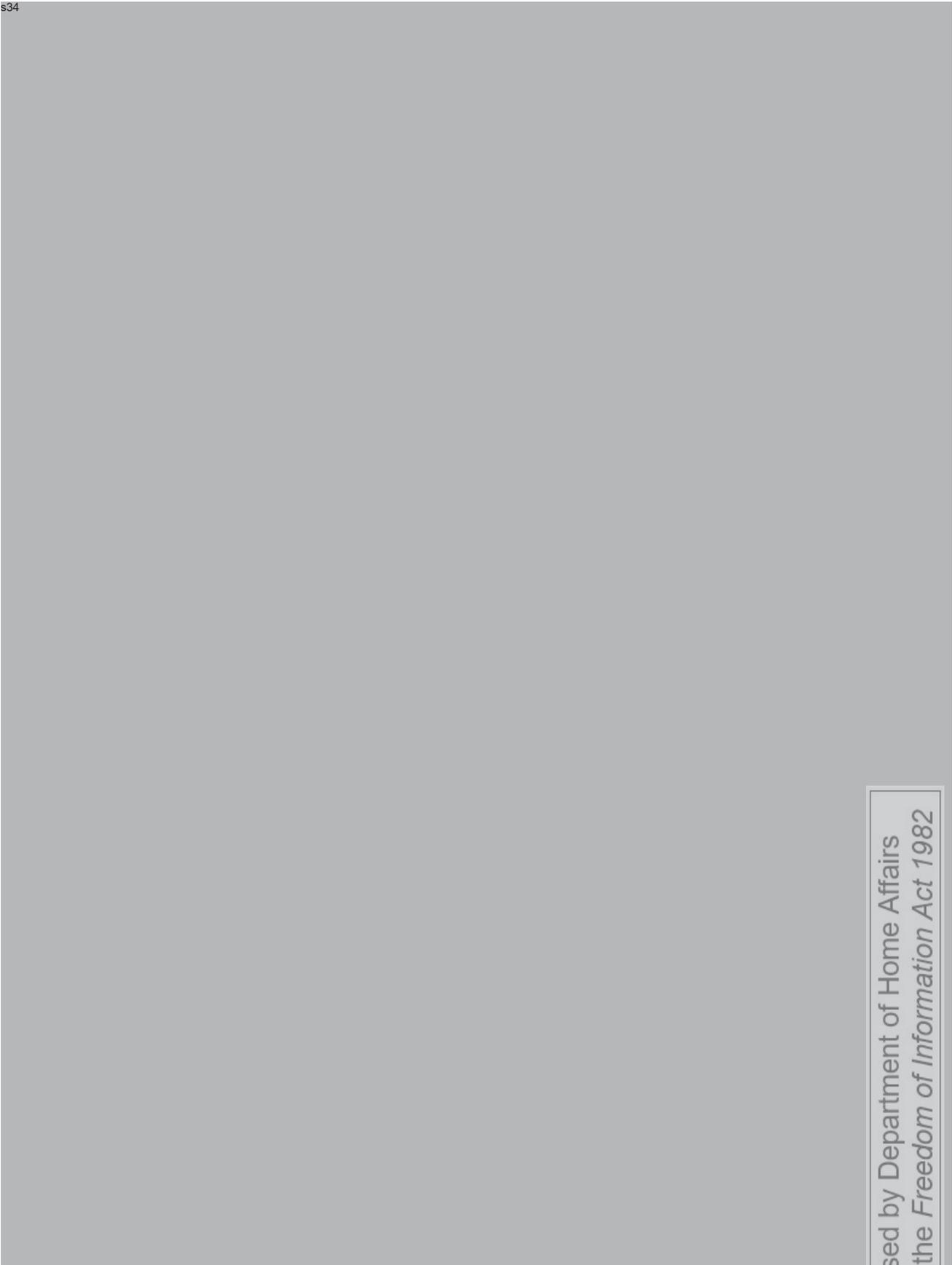
## Attachments

Attachment A – s34 [Redacted]

Contact Details
Name: Andrew Chandler, First Assistant Secretary Traveller, Customs and Industry Policy
Phone: (w) 02 s. 22(1)(a)(ii) [Redacted] (m) s. 22(1)(a)(ii) [Redacted]

s34

s34



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

s34

s34, s47

s47

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

s34

s47

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



**Australian Government**  
**Department of Home Affairs**

# **FIVE EYES ENGAGEMENT**

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

## Key Issues

### Ministerial Engagement

- Originating with collaboration on national security and defence, the “Five Eyes” partnership between the US, UK, Australia, Canada and New Zealand is our most significant multilateral relationship.
- There are a number of policy and operational forums and working groups across the Home Affairs Portfolio enabling Information sharing and operational collaboration on immigration, border security and law enforcement.
- The Five Country Ministerial (FCM) is the ministerial level forum for immigration, national security and justice ministers. Australia is Chair of the FCM in 2018 and Australia will host the Plenary meeting in mid-2018.
- The six key priority areas for the FCM in 2018, Australia’s Chairing year, are to:

1. Enhance information and data sharing mechanisms among the five countries through the development of multilateral MOUs on information sharing, encompassing:

s33(a)(i)

2. Develop a shared approach to countering violent extremism (CVE) and online child exploitation by engaging with Communication Service Providers (CSPs) and community groups regarding the management of radical and criminal online content. Increase the five countries’ knowledge and understanding of the Cyber Security threat environment and share technological innovation to enhance respective efforts to protect critical infrastructure from cyber-attack.

s33(a)(i)

3. Collectively address the risk posed by nefarious actors using encryption to convey information that threatens national security.

s33(a)(i)

4. Enhance migrant, refugee and traveller screening by more effectively deploying traditional and non-traditional screening techniques across refugee and migration caseloads.

s33(a)(i)

5. Collectively explore and shape emerging border technologies to ensure that the “Five Eyes” remain at the forefront of international border management by progressing the ‘Border of the Future’ 2017 FCM outcome.

s33(a)(i)

- s33(a)(i) we are augmenting our multilateral engagement with targeted bilateral engagement in areas where we can most rapidly make advances. This can also allow other partners to join at a later stage without delaying progress.

### Contact Details

Name: Lachlan Colquhoun, First Assistant Secretary International Division

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# ILLICIT DRUGS AND PRECURSORS

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

## Key Issues

- The detection of illicit drugs is a key Strategic Priority for the Department. International engagement and close collaboration and partnership with Commonwealth, state and foreign law enforcement and intelligence agencies to target the illicit drug trade forms part of our strategy.
- The Department assesses the threat posed by illicit drugs and precursor chemicals ranges from being very low for cannabis through to very high for methamphetamine and amphetamine-type-stimulants.
- The Department continues to disrupt the flow of illicit drugs and precursors across our borders, as can be evidenced by the number of detections in the last 12 months.
- The ice epidemic in Australia cannot be ignored. The Australian Crime Commission (ACIC) reports that, <sup>s47E(d)</sup> [REDACTED]
- Current operational efforts are focused on <sup>s47E(d)</sup> [REDACTED].
- Serious and organised crime methodologies, supply routes and volumes are continually shifting to evade detection at the border.
- Border Controlled drugs through maritime vectors:  
<sup>s47E(d)</sup> [REDACTED]
- Much of the law enforcement effort in <sup>s47E(d)</sup> [REDACTED] relates to illicit drugs. Along with Commonwealth and state partner agencies, there is commitment to work collaboratively to deter, detect, respond to and investigate unlawful activity.
- <sup>s47C</sup> [REDACTED]
- The high profitability and user demand of the Australian domestic illicit narcotics market, relative to the foreign narcotics market, continues to drive criminal and organised crime groups, who operate domestically and transnationally, to import illicit narcotics and precursors into Australia.
- Communication campaigns:
  - Border Watch has been instrumental in hundreds of seizures of illicit drugs, tobacco, weapons and wildlife, and in a number of positive immigration and visa operational outcomes.
  - In the 2016-17 financial year the Australian Border Force detected more than seven tonnes of major drugs and precursors.

## Whole of Government Contributions

- The Department was a key contributor to the cross agency submission to the Parliamentary Joint Committee on Law Enforcement Inquiry into crystal methamphetamine (ice), which has now formulated into the National Law Enforcement Methylamphetamine Strategy (NLEMS).

- The Department supports and is a key contributor to the work being undertaken through the National Ice Taskforce and is developing its own <sup>s37(2)(b), s47E(d)</sup> [REDACTED]. These documents will operationalise the actions within the whole of government strategies and align to Government direction.
- The Department works with Australian and international law enforcement partners to implement operational responses to identify and treat the most serious and organised crimes involving breaches of the Australian border.
- The Department is a member of the national Serious and Organised Crime Coordination Committee (SOCCC), which developed the NLEMS. All state and territory police agencies and Commonwealth operational partners such as the Australian Federal Police, ACIC and AUSTRAC are represented.
- Working with law enforcement partners, the ABF has undertaken numerous investigations which have resulted in the interception of hundreds of kilograms of narcotics (both onshore and offshore), and arrested a number of Australian and foreign nationals who are engaged in serious and organised crime.

## Key Points on Illicit Drugs and Precursors

- The high profitability and user demand of the Australian domestic illicit drug market relative to foreign drug markets continues to drive criminals and Organised Crime Groups (OCGs) operating domestically and transnationally to import illicit drugs and precursors into Australia.
- There are seven main types of illicit drugs and substances being detected at the Australian border. These are amphetamine-type-stimulants, precursor chemicals, MDMA (ecstasy), heroin, cocaine, performance and image enhancing drugs (PIEDs), and cannabis.
- Amphetamine-type-stimulants make up the greatest proportion of illicit drugs being imported to Australia. The consistently high inflow of these drugs, predominantly methamphetamine can be attributed to the role of transnational OCGs and the high street prices paid for methamphetamine in Australia.
- These markets have significant costs to the Australian economy due to impact on health and wellbeing of affected users.
- The drug market leads to large amounts of money being laundered from Australia to overseas criminal groups.

## Key Points on Amphetamine-Type-Stimulants

- While available demand indicators suggest <sup>s47E(d)</sup> [REDACTED], supply (law enforcement) indicators such as seizure and arrest data, price and purity data, and border detections, suggest <sup>s47E(d)</sup> [REDACTED].
- By weight, the main drug type detected at the Australian border continues to be amphetamine-type-stimulants. In the 2016–17 FY, this was followed by MDMA and precursors.
- Clandestine laboratories manufacturing methamphetamine in Australia are likely continuing to drive the demand for precursor chemicals. <sup>s47E(d)</sup> [REDACTED].
- The majority of amphetamine-type-stimulants precursor chemicals are used for the manufacture of methamphetamine.

- The Department provides regular intelligence assessments of the threat posed by trafficking of methamphetamine to Australia, in consultation with other agencies, to enable better targeting and operational planning of activities to combat the illicit drugs trade.

s37(2)(b), s47E(d)



## Statistics

- Narcotics:

	Detections - End of Year		
	2014-15	2015-16	2016-17
Precursors <sup>a</sup>	821	528	724
ATS <sup>b</sup>	3,480	3,016	2,905
Cannabis	4,949	7,503	10,982
Cocaine	1,781	2,777	3,705
Heroin	291	178	243
MDMA (Ecstasy)	3,577	2,865	4,755
NPS <sup>c</sup>	N/A	1,373	969
Total Major Drugs	14,899	18,240	24,283
PIEDs <sup>d</sup>	7,381	6,885	6,276
Other	10,600	12,835	13,414
Total Drugs	32,880	37,960	43,973

s47E(d)

	Final Weight (kg) - End of Year		
	2014-15	2015-16	2016-17
Precursors <sup>a</sup>	1,136.43	1,398.02	2,957.17
ATS <sup>b</sup>	3,422.85	2,627.59	1,833.94
Cannabis	60.18	101.82	102.47
Cocaine	368.91	657.09	1,099.43
Heroin	318.74	149.72	201.55
MDMA (Ecstasy)	2,002.32	141.49	890.05
Total Major Drugs	7,309.43	5,075.72	7,084.61

### Drugs, precursors and new psychoactive substances<sup>1</sup>

*a Precursor detections refer to detections of chemical substances that are prohibited imports / exports that may be used in the manufacture of illicit drugs. Some precursors detected were likely not intended for the manufacture of illicit drugs but were active ingredients in health supplements, cold and flu preparations, herbal medicines and weight-loss products purchased on the internet.*

*bATS detections include methamphetamine and amphetamine but excludes MDMA (ecstasy). cPIED detections include steroids, DHEA (dehydroepiandrosterone / prasterone) and hormones.*

*dOn 5 September 2015, legislation amendments came into force which allows Border Force officers to search for and seize New Psychoactive Substances (NPS) and Substances Represented as Serious Drug Alternatives (SDA). Note: Data is taken from live systems and may vary from previously reported figures.*

<sup>1</sup> Statistics current to 30 September 2017

s47E(d)



### Additional Documents

A copy of 'Parliamentary Joint Committee on Law Enforcement Inquiry into Crystal Methamphetamine', and 'National Ice (Crystal Methamphetamine Action Strategy Interim Report)' will be provided on request.

#### Contact Details:

Name: David Nockels, Acting Deputy Commissioner Support

Phone: 02 s22(1)(a)(ii)

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



**Australian Government**

**Department of Home Affairs**

# **COMMUNITY PROTECTION: SECTION 501 (CHARACTER) VISA CANCELLATIONS AND REFUSALS**

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

## Key Issues

- All non-citizens who wish to enter or remain in Australia must satisfy the requirements of the *Migration Act 1958* (the Act) and *Migration Regulations 1994*, including the character test at section 501 of the Act.
- Provisions under section 501 of the Act give the Minister or the Minister's delegate the power to refuse or cancel a visa if a non-citizen fails the character test.
  - A person can fail the character test on a number of grounds, including on the basis of their criminal record, association with criminal organisations or because their general conduct poses a risk to the Australian community.
  - Ministerial decisions are not merits reviewable but can be judicially challenged. Delegate decisions are subject to natural justice requirements and are merits reviewable in the Administrative Appeals Tribunal (AAT).
  - In addition, the Minister has special personal powers to override a departmental or tribunal decision in the national interest. The Minister also has a power to refuse or cancel a visa without first providing natural justice, in the national interest.
  - Ministerial Direction 65 provides binding guidance to delegated departmental decision-makers and the AAT in exercising their discretion under section 501 of the Act. Factors include the need to protect the Australian community from harm, ties to the Australian community and the impact of any decision on children or families.

## Key Caseloads

### *Mandatory visa cancellation*

- Mandatory visa cancellation provisions, introduced in December 2014, require that a non-citizen's visa must be cancelled if they are serving a full-time term of imprisonment for an offence committed in Australia and they have, at any time, been sentenced to a single period of 12 months or more in prison, or have been found guilty of a sexually based crime involving a child.
- Mandatory visa cancellation has significantly increased the number of character cancellations, and consequently, the numbers of non-citizen criminals entering immigration detention from state and territory prisons.

### *Revocation of mandatory visa cancellation decisions*

- Non-citizens who have had their visa mandatorily cancelled under section 501 may seek revocation of the decision. Where a visa cancellation decision is revoked, the non-citizen's visa is reinstated. The original mandatory visa cancellation decision may be revoked if the Minister (or his/her delegate) concludes that the non-citizen has made lawful representations and the Minister is satisfied that the non-citizen passes the character test, or that there is another reason why the original decision should be revoked. Non-citizens awaiting revocation decisions may be in criminal custody or held in immigration detention on the completion of their custodial sentence.
- <sup>s47E(d)</sup> [redacted] non-citizens in immigration detention are encouraged to depart Australia voluntarily while awaiting their revocation request.

### *Discretionary visa cancellation on character grounds for non-citizens in the community*

- A large proportion of non-citizens awaiting a section 501 visa cancellation decision reside in the community. The community caseload is not subject to the mandatory visa cancellation provisions enacted in December 2014 because the non-citizens were either not in prison at the time, or were in prison but did not fall within the scope of the mandatory visa cancellation powers. <sup>s47E(d)</sup> [redacted]
- The Department is guided by <sup>s47E(d)</sup> [redacted] cases based on the severity of the criminal history <sup>s47E(d)</sup> [redacted]

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

### Refusal of visa application on character grounds

- Non-citizens who meet all other criteria for grant of a visa may be considered for visa refusal under the section 501 character provisions of the Act. The number of section 501 visa refusals has increased since the 2014 amendment of the Act due to the strengthened character provisions.

## Decision-Making Model

- The Minister, the Assistant Minister and departmental delegates are able to make discretionary and mandatory character decisions.
- Referral arrangements between the Minister and Department are agreed, via submission, and can be amended as required. <sup>s47E(d)</sup> [REDACTED]
- The current process is generally as follows:
  - The Minister is referred s501 *cancellation* cases, as well as *revocation* matters, involving more serious criminality.
  - Departmental delegates make all mandatory cancellation decisions (reflecting that this is a strict liability provision), as well as the majority of *refusal* cases. Delegates also decide *revocation* cases involving lower level criminality.

## Background

- Character cancellation and refusal decisions made by departmental officers are subject to natural justice requirements and are merits reviewable in the AAT.
- The Minister can set binding guidance for delegates and tribunal members on the exercise of discretion in character decisions to cancel or refuse a visa (in the form of a section 499 Direction). The current direction is Ministerial Direction 65.
- If a non-citizen has ever held a visa that has been cancelled under section 501 of the Act, the non-citizen is permanently excluded from Australia unless the cancellation was subsequently revoked or the Minister acts personally to grant a permanent visa.
- The National Character Consideration Centre (NCCC) in the Character Assessment and Cancellation Branch is responsible for managing section 501 operations, including preparation of cases for decision.
- The *Migration Amendment (Character and General Visa Cancellation) Act 2014* amended the Act to create additional grounds under the character test by which to cancel or refuse visas, and introduced a new mandatory cancellation power for non-citizens in prison who fail certain limbs of the character test.
- Key figures:
  - Character visa cancellation decisions increased by more than **1500** per cent in 2016–17 (**1284** compared to **76** in 2013-14 prior to the December 2014 amendment of the Act; of the **1284**, **1234** are mandatory cancellations decisions).
  - Character visa application refusal decisions increased **679** per cent in 2016-17 (**631** compared to **81** in 2013–14 prior to the 2014 amendment of the Act).
  - Referrals to the NCCC since the December 2014 legislative reforms, have increased by about **108** per cent due to more non-citizens being in-scope of the expanded character test grounds.

## Attachment

Attachment A – s47E(d)

### Contact Details

Name: Malisa Golightly, Deputy Secretary Visa and Citizenship Services

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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

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



**Australian Government**  
**Department of Home Affairs**

# COMMUNITY PROTECTION: OUTLAW MOTORCYCLE GANGS

s37(2)(b), s47E(d)



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

## Key Issues

- s37(2)(b), s47E(d) visa cancellation/refusal, detention and removal of high risk non-citizen outlaw motorcycle gang (OMCG) and serious and organised criminal syndicate members who are liable for such action under the relevant provisions of the *Migration Act 1958* (the Act).
  - The focus s37(2)(b), s47E(d) is to remove the highest threat individuals from the community; offshore visa cancellations/refusals may also be pursued where the opportunity presents.
  - s37(2)(b), s47E(d) increase public confidence by demonstrating that the Australian Government has responded to the serious threat posed by OMCGs, and is exploiting every opportunity to proactively target and disrupt criminal related activities.
  - s37(2)(b), s47E(d) is led by the Australian Border Force (ABF) and the Department, in close partnership with the s37(2)(b), s47E(d)

s47E(d)

•

•

• s33(a)(iii)

[Large redacted area]

- **Detention Placements:** s37(2)(b), s47E(d) immigration detention facilities suitable for identified high-risk individuals.
  - s37(2)(b), s47E(d) existing facilities in Christmas Island; engagement by the ABF with corrections facilities in each state and territory to progress Memorandum of Understandings (MoUs) to facilitate immigration detention in correctional facilities; and removal following release from prison s37(2)(b), s47E(d)

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

- **Ministerial discretion:** Except for mandatory visa cancellations, a non-citizen who is being considered for visa cancellation or refusal of a visa application under s501 of the Act will usually be afforded natural justice by being provided a Notice of Intention to Consider Cancellation (or Refusal) and given 28 days to respond. The Minister may personally cancel or refuse a visa without natural justice where the Minister is satisfied it is in the national interest to do so. <sup>s37(2)(b), s47E(d)</sup>  
[Redacted]
- **Judicial review:** Some <sup>s37(2)(b), s47E(d)</sup> cases have been subject to judicial reviews (including in the High Court), with some resulting in Minister loss. <sup>s37(2)(b), s47E(d)</sup>  
[Redacted]
  - In September 2017, the High Court found that visa cancellation on the basis of s503A protected information received from a gazetted agency was invalid to the extent that s503A(2)(c) of the Act would apply to prevent the Minister from being required to divulge the protected information to the High Court or a Federal Court.
  - As the commencement of the *Migration Amendment (Validation of Decisions) Act 2017* occurred on the same day, the judgment did not affect other persons who previously have had decisions to cancel a visa or refuse a visa application relying on s503A protected information. <sup>s37(2)(b), s47E(d)</sup>  
[Redacted]
- <sup>s37(2)(b), s47E(d)</sup>  
[Redacted]

## Background

- OMCGs are active in all Australian states and territories. They are a globally networked, resilient and an increasingly sophisticated serious and organised crime threat to Australia.
- The Department has implemented an OMCG Strategy (the Strategy) aimed at creating a more robust border environment for non-citizens involved with OMCGs. This complements the National Anti-Outlaw Motorcycle Gangs Strategy and the objectives of National Taskforce – Morpheus. The Strategy is built around four key initiatives:
  - Hardening the Border – Travellers;
  - Hardening the Border – Goods;
  - Safer Australian Communities – Visa Cancellation; and
  - Increasing intelligence collection and production.
- On 11 December 2014, the *Migration Amendment (Character and General Visa Cancellation) Act 2014* came into effect, introducing significant changes to the character test found in s501 of the Act. These amendments strengthened the character and general visa cancellation provisions and reformed the approach to the cancellation of visas of non-citizens who are in prison. Of particular significance to OMCGs, the amendments provide additional grounds on which a person could fail the character test, based on reasonable suspicion of involvement in criminal conduct or association with persons involved in criminal conduct.
- <sup>s37(2)(b), s47E(d)</sup> established under the *Safer Australian Communities – Visa Cancellation initiative* and assists in creating a safer Australian community by identifying and managing cancellation and /or refusal of the visas of non-citizen OMCG members.

• s37(2)(b), s47E(d)

**Contact Details**

Name: Malisa Golightly, Deputy Secretary, Visa and Citizenship Group

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# **NATIONAL FACIAL BIOMETRIC MATCHING CAPABILITY**

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

## Key Issues

- The National Facial Biometric Matching Capability (the Capability) was part of the \$630m package of counter-terrorism measures approved by the Australian Government in mid-2014. The states and territories agreed to participate in the Capability by signing the *Intergovernmental Agreement on Identity Matching Services* (IGA) at the October 2017 COAG meeting.
- The Capability enables agencies to match facial images on visa, citizenship, passport and driver licence records through new Face Matching Services:
  - the **Face Verification Service (FVS)** provides one-to-one matching to help verify a persons' identity (often with consent); and
  - the **Face Identification Service (FIS)** provides one-to-many matching to identify an unknown person or detect multiple fraudulent identities.
- The services are brokered through a central **interoperability Hub** which transmits data between agencies on a query and response basis, without storing any personal information.
  - Visa and citizenship images are accessed through the department's existing systems, while passport images are accessed through DFAT's Passport Database.
- Driver licence images (and potentially images on other state issued credentials) will be accessed via a common **National Driver Licence Facial Resolution Solution (NDLFRS)**, hosted by the department on behalf of the states and territories. The NDLFRS will support additional matching services for road agencies to use on their own data.

### Protections for legally assumed identities

- The FIS creates risks around the disclosure of legally assumed identities. To mitigate these risks, the department is putting in place two separate technical solutions: one as part of the Hub (Hubscure) for Commonwealth data holdings; the other as part of the NDLFRS (the Identity Management Architecture or IMA) for state and territory data holdings.
- The 20+ agencies which manage assumed identities will be able to 'sanitise' these records, preventing their disclosure via the FIS, and receive alerts when records are searched.

### Implementation

- An initial FVS for visa, citizenship and passport images is now available to government agencies. Agencies seeking to use the service need to conduct a privacy impact assessment and enter into data sharing agreements with each data holding agency.
- The FIS is expected to commence in March 2018, initially for visa and citizenship images, once Hubscure has been implemented. The FIS for passport images will follow later in 2018. The department is working with Queensland Police to make the FVS and FIS (for visa and citizenship images) available ahead of the Commonwealth Games.
- The NDLFRS is being implemented in phases, with an initial phase involving one or two jurisdictions (TAS and VIC) by July 2018 and others to follow throughout 2018 and early 2019. Key considerations in this implementation schedule are the need for: legislative change by the Commonwealth and six jurisdictions; and the need for relevant agencies to sanitise their records in the IMA.
- The department is working with the Digital Transformation Agency (DTA) to provide the FVS in support of the government's digital identity (Govpass) program, with the first phase pilot scheduled for April 2018.
  - Over time, the capacity of the FVS will likely need to be enhanced to meet the demands of the Govpass program. At DTA's invitation, the department is seeking funding, via the Govpass second pass business case, in the 2018-19 Budget.

### Legislation

- The department is developing an Identity-matching Services Bill 2018 to authorise its collection, use and disclose of personal information in facilitating the Face Matching Services, in particular for the operation of the NDLFRS. The Bill has T status for the Autumn 2018 sittings.

- s42  
 s47E(d)
- Most states and territories (except Victoria and South Australia) also need legislative or regulatory amendments to facilitate information sharing with the Commonwealth for the Face Matching Services. These amendments are at various stages of progression.

**Governance**

- In accordance with the IGA, ministerial responsibility for the Capability rests with the Ministerial Council for Police and Emergence Management (MCPPEM), supported by an officials-level National Identity Security Coordination Group (NISCG), chaired by the department.
- To support the IGA the department is developing two significant inter-agency agreements: the **Face Matching Services Participation Agreement** which provides an overarching data sharing agreement covering all participating agencies; and the **NDLFRS Hosting Agreement** to set out the roles and responsibilities of the department and the state and territory road agencies for the operation of the NDLFRS.

**Funding**

- The total program budget over six years (FY14-15 to FY18-19) is around \$32m, made up of government funding, departmental contributions (including Document Verification Service revenue) and contributions from other participating agencies.
- The IGA provides for the ongoing operating costs of the NDLFRS (\$2.3m p.a.) to be shared between the Commonwealth and the states. The states will contribute \$1.1m p.a and the department is also seeking annual contributions from key Commonwealth user agencies. The department also intends to seek funding from relevant Commonwealth agencies to meet the costs of the IMA and Hubscore solutions.
- The IGA provides for a review of funding arrangements one year after all jurisdictions are participating in the Face Matching Services, or within two years of the commencement of the IGA, whichever is sooner, with a view to transitioning to a transaction based funding model.

**Private sector access**

- The IGA and Identity-matching Services Bill both provide for future private sector access to the FVS, along the lines of current arrangements for the Document Verification Service.
- Ministerial approval has been received to conduct pilots of private sector access to Commonwealth images through the FVS, which are planned for 2018. Subject to the outcome of these pilots, further ministerial agreement will need to be sought to provide a commercial FVS service on an ongoing basis.

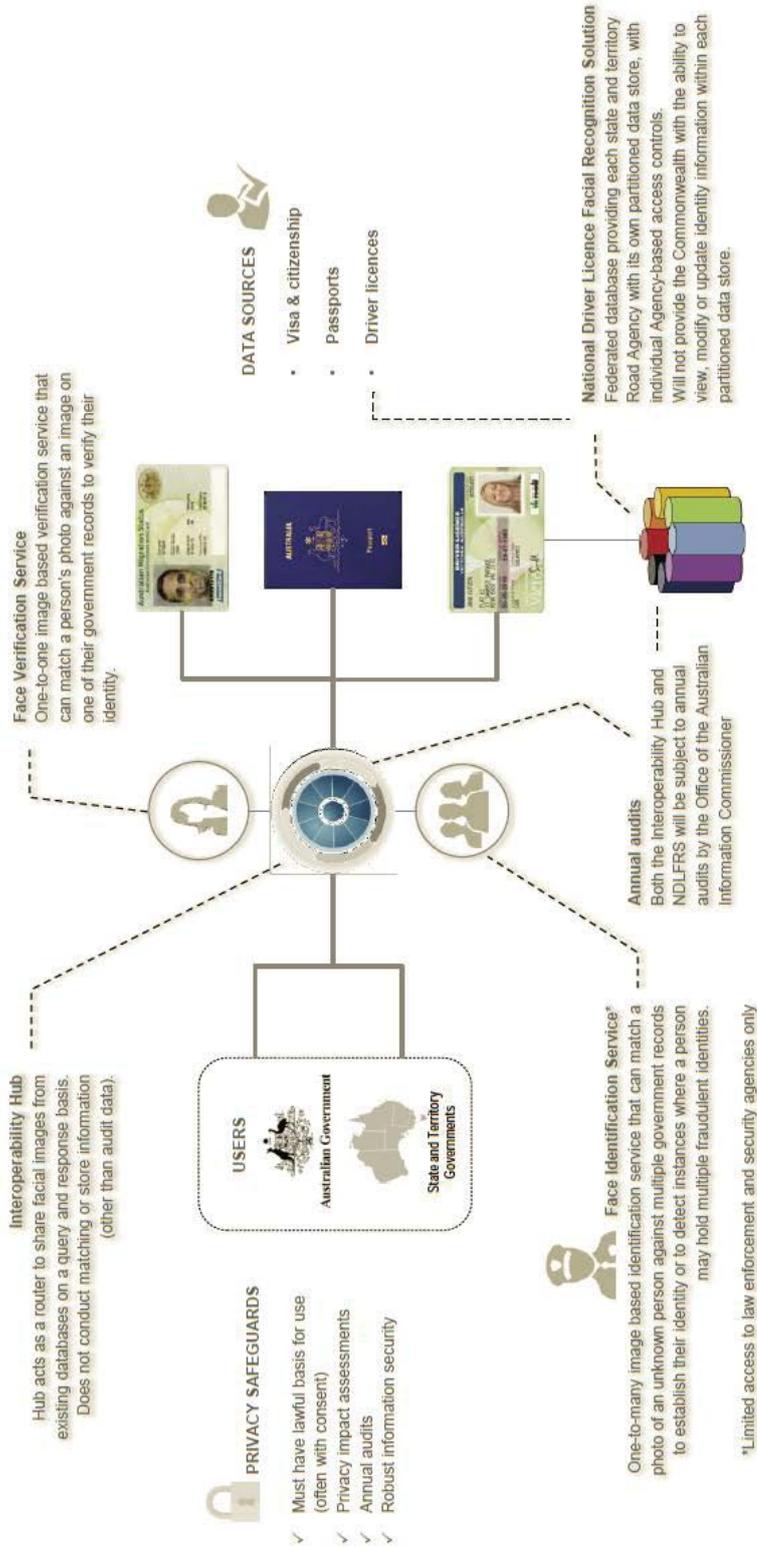
Attachment A – Diagram of the National Facial Biometric Matching Capability

Contact Details	
Name: Joe Franzi, First Assistant Security Identity and Biometrics	
Phone: (w) 02 <span style="background-color: #cccccc; padding: 0 5px;">s22(1)(a)(ii)</span>	(m) <span style="background-color: #cccccc; padding: 0 5px;">s22(1)(a)(ii)</span>

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

# National Facial Biometric Matching Capability

Key components





**Australian Government**  
**Department of Home Affairs**

# **BIOMETRICS COLLECTION FOR IMMIGRATION AND CITIZENSHIP**

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

## Key Issues

### Introduction

- The management of identity in Australia is achieved through a federated model, which includes agencies at the state, territory and Commonwealth level. The National Identity Proofing Guidelines (NIPGs) differentiates between different types of evidence of identity; analysis of this provides a basis for distinguishing the roles of major agencies that contributes to whole-of-government identity management.
- In providing immigration and citizenship services, the Department of Home Affairs (the Department) is the first Australian Government agency to interact with non-citizens, and perform an important role in assuring non-citizens' identities before they enter the Australian community.

### Immigration and Border Protection – Identity Management

- The Department as the Commencement of Identity (COI) Authority for non-citizens and naturalized citizens in Australia collects biographic information, and in some cases biometrics, to establish the identity of individuals through the visa and citizenship application process. The Department also manages the identity of travellers crossing the border.
- For the identity and biometric activities that are migrating to the Department from the Department of Immigration and Border Protection (DIBP), the priorities include:
  - strengthening linkages between Immigration and Border activities, that is anchoring identity in the visa application to enhance the automated processing of passengers at international airports
  - implementing an onshore biometric collection model for all immigration and border activities
  - technological and capability investment providing the opportunity for collection of additional biometric modalities in the future
  - standardising identity assurance for visa and citizenship
  - developing an identity management strategy for trade and cargo organisations.

### Immigration & Citizenship – Current Biometrics Collection and Matching Capabilities

- For immigration and citizenship purposes fingerprints and facial images are collected from s33(a)(iii)
  - applicants for particular visa products in certain locations are required to provide biometrics (facial image and fingerprint) through off-shore service providers (Attachment A)
  - citizenship applicants are required to provide a biometric facial image only
  - travellers who are turned around at the border, immigration detainees and protection visa applicants are required to provide their fingerprints and facial images.
- Biometric matches provide information to decision makers that may otherwise be unknown. Match information is provided for consideration in visa applications, detention placement and refugee assessment decisions.
- Some fingerprints are also matched against Migration Five partners: the United States, United Kingdom, Canada and New Zealand.
- All fingerprints are matched against the National Automated Fingerprint Identification System (NAFIS), a consolidated repository of fingerprints collected by all Australian police agencies and the Department. This matching is undertaken to detect possible migration fraud and criminal history within Australia.
- Verification services are also provided through platforms such as the Document Verification Service and the Facial Verification Service (FVS). In the future this will include the Face Identification Service (FIS) which is expected to come online in 2018.

- The Department will supply facial images collected from unlawful non-citizens, and visa and citizenship applicants to the National Facial Biometric Matching Capability (NFBMC) for other agencies to match against. This service has the potential to significantly advance the whole of government identity management framework, by providing agencies the capability to quickly and securely biometrically match clients' facial images against the holdings of other agencies.

## Attachments

Attachment A – Offshore biometric collection countries

Contact Details
Name: Joe Franzi, First Assistant Security Identity and Biometrics
Phone: (w) 02 <span style="background-color: #cccccc;">s22(1)(a)(ii)</span> (m) <span style="background-color: #cccccc;">s22(1)(a)(ii)</span>

### Attachment A

Biometric collection countries		
Albania	Algeria	Bahrain
Bangladesh	Bhutan	Bosnia and Herzegovina
Cambodia	Colombia	Egypt
Ethiopia	Fiji	France
Ghana	Hong Kong	Jordan
Kenya	Kuwait	Lebanon
Malaysia	Mexico	Myanmar
New Zealand	Nepal	Nigeria
Oman	Pakistan	Peru
Qatar	Samoa	Saudi Arabia
Singapore	South Africa	Sri Lanka
Thailand	Tonga	Turkey
Uganda	United Arab Emirates	Vietnam
Yemen	Zimbabwe	



**Australian Government**  
**Department of Home Affairs**

# INTELLIGENCE CAPABILITY

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

## Key Issues

### Threat

- The Home Affairs Intelligence capability currently delivers strategic, operational and tactical level intelligence in support of the border mission of the ABF and the Immigration, Visa and Citizenship mission of the Department, covering the full range of border threats.
- Border threats range from activity causing direct harm to the Australian community to activities that undermine economic and labour force transparency, reduce government revenue, and undermine social cohesion and public confidence in border and immigration management.
- The full range of border threats are outlined in the annual Strategic Border Threat Assessment which identifies the highest threats to the border as: <sup>s33(a)(i)</sup>

### Capability

- The intelligence capability is delivered from a single coherent Division with attendant standards, governance and culture. It operates in a hub and spoke model, with a hub of subject matter expertise and intelligence enablers at its core and a series of spokes, integrated with operational areas in the ABF and Visa and Citizenship.
- Core enablers, such as data management and data analytics, collection management, business led systems development, a cyber and open source capability, vocation development and training, production and dissemination, and customer and foreign relations support, are all required to provide support to intelligence operations and production.
- At the tactical support level, the Border Intelligence Fusion Centre (BIFC) provides enterprise-wide 24/7 target assessment and tactical intelligence to all relevant stakeholders including <sup>s47E(d)</sup>
- Operational support to the ABF is delivered by <sup>s47E(d)</sup> analysts embedded with ABF operational areas around the country, including in the Australian Border Operations Centre, Maritime Border Command, and Operation Sovereign Borders.
- Analytic subject matter experts deliver strategic and current intelligence assessments to inform operational planning and policy decision making.

<sup>s37(2)(b), s47E(d)</sup>

### Independent Intelligence Review (IIR)

- The implementation of the recommendations from the 2017 IIR will reshape the management, coordination and oversight of Australia's intelligence architecture.
- The most significant recommendations from the IIR centre on the establishment of the Office of National Intelligence (ONI), with responsibility for mission coordination across the ten agencies which make up the National Intelligence Community (NIC). The DIBP Intelligence capability is a member of the NIC.

- The expansion of the Inspector-General of Intelligence and Security's (IGIS) remit to include all ten agencies of the NIC will result in IGIS' oversight of the Department's intelligence functions, presenting an opportunity to reduce duplicative oversight from other audit and oversight bodies.

## Background

### Independent Intelligence Review (IIR)

- Announced on 7 November 2016 by the Prime Minister, the IIR was completed by Michael L'Estrange AO and Stephen Merchant PSM, and released publically on 18 July 2017.
- The Review's timing was in line with the recommendations of its predecessor completed in 2011, which recommended a periodic review occur every five years.
- The Review sought to examine the environment in which the intelligence community operates and consider how effectively it serves Australia's national interests.
- The Review found Australia's intelligence agencies have a strong record of achievement, but as a result of transforming geopolitical, economic, societal and technological changes, Australia's intelligence community will be faced with challenges that will intensify over the coming decade.
- The Review's recommendations aim to provide a pathway for Australia's NIC to take the areas of individual agency excellence to an even higher level of collective performance through strengthening integration across Australia's national intelligence enterprise.
- To achieve this, reviewers presented 23 recommendations. The most significant is the establishment of the ONI led by a Director-General National Intelligence who will also:
  - lead Australia's National Intelligence Community; and
  - be the principal advisor to the Prime Minister on intelligence issues.
- The other recommendations cover:
  - changes to coordinating structures;
  - new funding mechanisms to address capability gaps;
  - streamlining of legislative arrangements; and
  - enhancing oversight arrangements.
- A multi-agency taskforce has been established within the Department of the Prime Minister and Cabinet to progress the implementation of the recommendations.

## Attachment

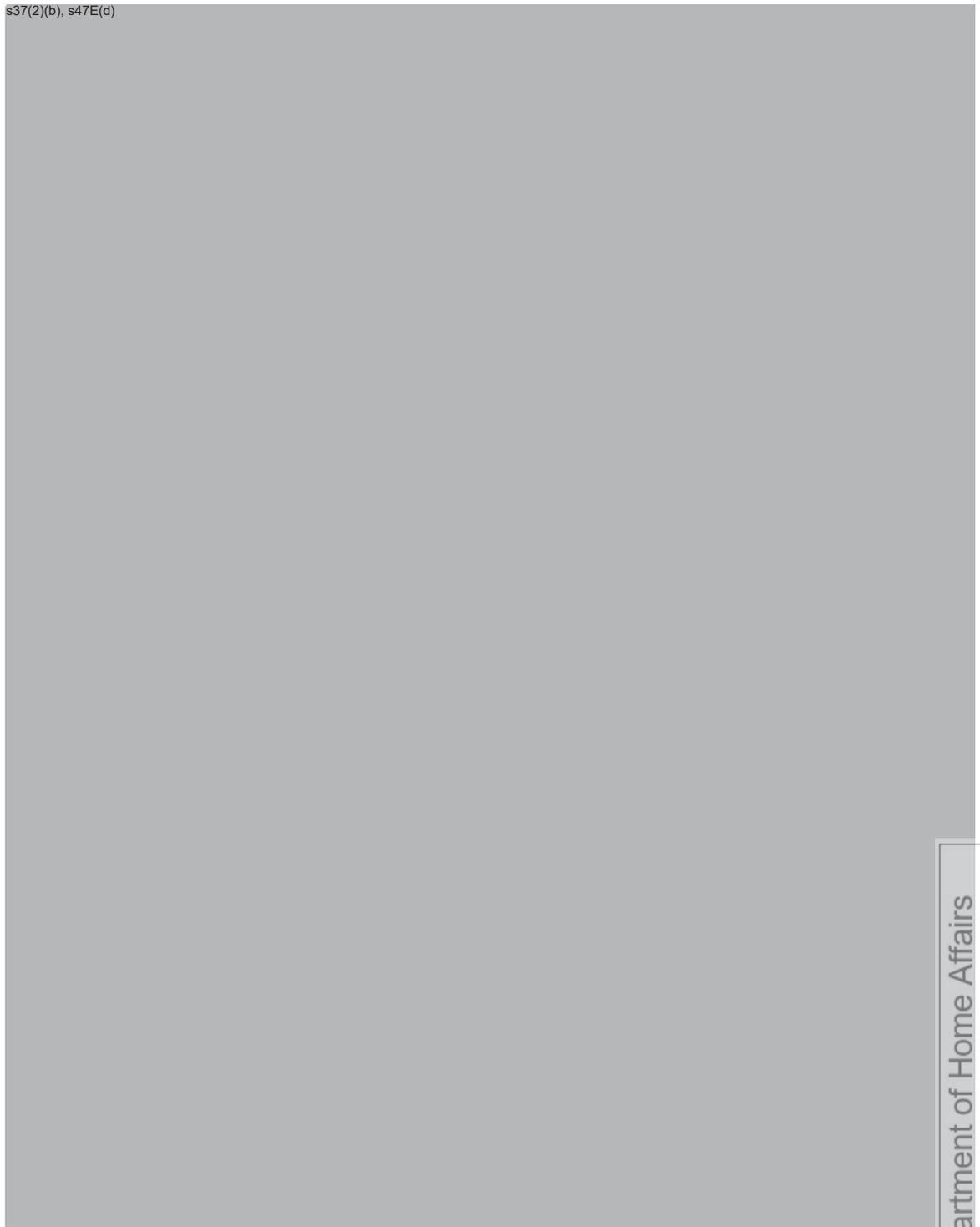
Attachment A – <sup>s47E(d)</sup> [Redacted]

Contact Details
Name: Cameron Ashe, First Assistant Security Intelligence Division
Phone: (w) 02 <sup>s22(1)(a)(ii)</sup> [Redacted] (m) <sup>s22(1)(a)(ii)</sup> [Redacted]

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

Attachment A - <sup>s47E(d)</sup> [Redacted]

s37(2)(b), s47E(d)



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



**Australian Government**  
**Department of Home Affairs**

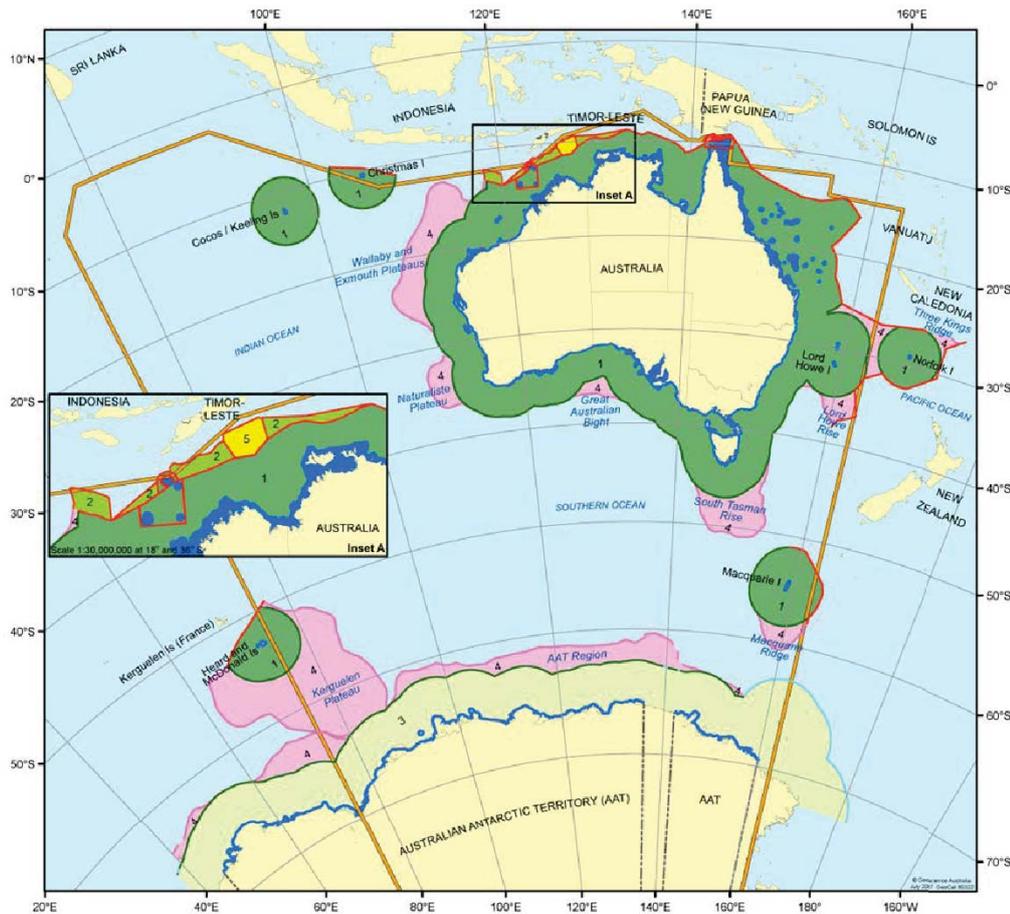
# CIVIL MARITIME SECURITY

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

# Key Issues

## Overview Maritime Border Command

- Maritime Border Command (MBC) is a multi-agency task force embedded within the Australian Border Force (ABF) Operations Group. MBC utilises assets and personnel assigned from the ABF, the Australian Defence Force (ADF) and the Australian Fisheries Management Authority (AFMA).
- MBC supports a whole-of-government effort to protect Australia's national interests by responding with assigned forces to undertake civil maritime security operations to detect, deter, respond to and prevent illegal civil maritime activities in the Australian Maritime Domain (AMD). A Rear Admiral seconded from the Royal Australian Navy to the ABF as Commander MBC (COMMBC) leads MBC; Rear Admiral Peter Laver is currently COMMBC (biography at <http://www.navy.gov.au/biography/rear-admiral-peter-laver>).
- MBC works with officers from other Commonwealth, State and Territory agencies to deliver a coordinated national approach to Australia's offshore civil maritime and border security. Australia's maritime jurisdiction includes, predominantly, the offshore areas within Australia's Exclusive Economic Zone (EEZ), but does extend to the area bounded by Australia's Security Forces Authority Area (SFAA). The SFAA is analogous to the Australian Search and Rescue Region, excluding landmass, and equates to 52.8 million square kilometres – over one tenth of the earth's surface and forms part of the border continuum.



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

- MBC protects Australia's economic and security interest by generating awareness of illegal activity across Government and responding to mitigate, or eliminate, the risk posed by civil maritime security threats. Assets assigned to MBC conduct law enforcement activities on behalf of other Australian Government agencies exercising powers under the *Maritime Powers Act 2013*, *Customs Act 1901*, *Migration Act 1958*, and *Fisheries Management Act 1994*.

As part of the ABF, MBC is responsible for coordinating and controlling operations to protect Australia's national interests against the following eight defined civil maritime security threats:

- illegal maritime arrivals;
- illegal exploitation of natural resources;
- illegal activity in protected areas;
- prohibited imports/exports;
- maritime terrorism;
- piracy, robbery and violence at sea;
- compromise to bio-security; and
- marine pollution.

The prioritisation of MBC resources against these threats is intelligence-led and risk based. Operational planning continues to be reviewed to ensure resource prioritisation is based on the most up-to-date, accurate and actionable intelligence available to allow for appropriate and timely operational responses against all civil maritime security threats.

## Surveillance and Intercept Capability

MBC has a range of capabilities to undertake its on-water detection and interception role. This includes ABF and ADF aircraft and vessels synchronised to detect and intercept illegal maritime arrivals and address other civil maritime security threats.

MBC also utilises the ABF's commercially contracted satellite surveillance to monitor intelligence-identified targets as required. Significant collaboration between ABF and ADF ensures appropriate assets are available to meet operational requirements. The following assets may be assigned to MBC operations:

### ABF Assets:

- Aircraft: comprising Dash-8 surveillance aircraft and helicopters
- Vessels: comprising Cape and Bay Class vessels, ABFC *Ocean Shield*, ABFC *Thaiyak*
- Contracted commercial satellite

### ADF Assets:

- Royal Australian Air Force P-8A Poseidon maritime patrol aircraft
- Armidale and Cape Class Patrol boats
- Land-based patrol by the Army Regional Force Surveillance Unit
- One Large Hull Vessel assigned when required
- Transit Security Element personnel
- Extra ADF assets may be assigned to MBC to support specific operational requirements.

## Support to Operation Sovereign Borders (OSB)

MBC leads the Detection, Interception and Transfer Task Group (DITTG) within OSB. The DITTG is responsible for the detection and interception of Suspected Illegal Entry Vessels (SIEV) and the safe detention and transfer of PIIs. The Task Group coordinates the direct (on-water) return of PIIs to their place of origin or departure or to other Australian authorities for subsequent return or transfer.

s33(a)(iii)

## Illegal Exploitation of Natural Resources

Foreign fishers operating illegally in the AEEZ pose a threat to Australia's natural resources, protected environments, biosecurity and border security.

Australian waters and surrounding seas offer healthy fisheries resources that will continue to attract entities intent on illegally exploiting Australia's natural resources. These entities may also threaten Australia's biosecurity through the introduction of pests and diseases that can affect humans or our ecosystems and impact on our agriculture and aquaculture sectors. These entities have little regard for operating in a compliant environmental way and, as such, may pollute Australia's waters by dumping waste, material and nets which damage our ecosystem, present a navigation hazard and if washed ashore, damage to animal and plant life on coastal fringes.

The Illegal Foreign Fishing (IFF) threat arises from outside Australia's maritime jurisdiction and is influenced by geopolitical, environmental, economic and resource issues in the region. Consequently, management of this security threat will require a multifaceted, multiagency strategy that includes engagement beyond the AEEZ.

AFMA is the lead agency for implementing national fishing policy and acts on behalf of the Australian Government to implement a policy that supports the efficient management and sustainable use of Commonwealth fish resources. Where appropriate, the ABF will undertake compliance and enforcement action on behalf of AFMA against IFF operating in the AEEZ which may include detention of vessels and fishers and transferring them to Australia to be dealt with by the Australian judicial system. While the fishers and their vessel will be managed through a prosecutorial system by AFMA, the fishers will be detained by the ABF until appropriate removal can be effected.

## Illegal, Unreported and Unregulated (IUU) Fishing and the Southern Ocean

The Australian Government is committed to taking action to address IUU fishing and have taken a prominent role in seeking to do so, including the use of Commission for the Conservation of Antarctic Marine Living Resources and Regional Plan of Action (RPOA) mechanisms.

IUU fishing vessels are known to be operated by, or have links to, organised crime syndicates. These groups utilise transnational networks to distribute their catch.

The ABF has been successful in the IUU fishing space. In 2015 MBC intercepted and boarded three known IUU fishing vessels to the west of Cocos (Keeling) Islands, which assisted with their subsequent prosecution and detention by international partners through fisheries, maritime security/safety and customs laws.

The ABF will continue to work with partners including international counterparts, to share information and support investigations and prosecutions against IUU operators.

The ABF undertakes patrols in the Southern Ocean primarily in support of activities to protect the illegal exploitation of natural resources and in particular combating the threat of IUU fishing.

During May 2015, the ABFC *Ocean Shield* completed the first maritime patrol of the Southern Ocean since 2012; this is the most recent example of a Southern Ocean patrol by the ABF. ABFC *Ocean Shield* is currently the only ABF asset capable of conducting a patrol in the Southern Ocean.

The conduct of patrols in the Southern Ocean remains an operational decision and are subject to the priority of threats facing the ABF at that point in time.

As of October 2017, all previously reported IUU fishing vessels remain out of action in the Southern Ocean.

## Piracy, Robbery or Violence at Sea

Piracy, robbery or violence at sea is one of the Australian Government's defined civil maritime security threats. Japanese whaling remains topical in this space given the risk of confrontation between whalers and protestors.

The ABF does not monitor whaling activity as part of routine patrol activity. The ABF is responsible for responding to the threat of piracy, robbery or violence at sea within Australia's SFAA, of which the Southern Ocean is included.

Australia's position on the Sea Shepherd Conservation Society (SSCS) activities remains the same – while we respect the right to engage in peaceful protest, we will not condone, and have repeatedly condemned, any dangerous, reckless or unlawful behaviour.

The ABF continues to work with the Department of the Environment and Energy, as the whole-of-government lead on whaling issues.

## Northern Waters and Illegal Foreign Fishing

MBC assets are generally orientated to the northern maritime areas of Australia to optimise the countering of the key civil maritime security threats in Australia's northern and north-western waters. These threats include illegal maritime arrivals, illegal exploitation of natural resources and security patrols of the oil and gas fields and infrastructure.

Because of geography and the proximity to neighbouring nations, threats are elevated in the northern waters when compared to other offshore maritime areas. The level of MBC operational activity to this area will therefore remain commensurate to the overall level of assessed risk, and the threat to Australia's strategic and economic interests.

Continued efforts in Australia's northern waters have led to a major decrease in illegal foreign fishing activity.

For the current 2017/18 Financial Year (FY) (to 30 Nov 2017) there have been six vessels seized due to illegal fishing activities.

## Prohibited Imports through Small Craft

MBC operates closely with other divisions of the ABF including, Strategic Border Command, Intelligence Division, other Government Agencies (Australian Federal Police) and international partners to detect and deter the importation of prohibited imports including, illicit drugs and precursors via small craft.

This activity necessitates close cooperation and strong working relationships with other nations and requires a heavy commitment from aerial surveillance and maritime response assets.

For the 2017/18 FY, there have been no detections of small-craft drug importation attempts to Australia, while four attempts were disrupted during the 2016/17 FY.

## Torres Strait

The Torres Strait poses a particular challenge for border security due to its operating environment and wide variety of actual and potential threats. The complex shared border arrangements, porous geography and proximity to Papua New Guinea condenses the border continuum.

MBC remains postured in the Torres Strait to respond to the eight defined civil maritime security threats. MBC operational activity and deployment of assets uses an intelligence-led, risk based approach.

## Maritime Counter Terrorism

Under the National Counter-Terrorism Plan, MBC is responsible for the coordination of response and recovery from terrorist acts in the offshore maritime environment to the outer boundary of Australia's Security Forces Authority Area. Highlighted below is a recent example that displays MBC's commitment to countering maritime terrorism.

In September 2017, MBC conducted, in association with the Australian Strategic Policy Institute, a two-day workshop focussed specifically on maritime counter terrorism in the offshore Australian Maritime Domain. The workshop brought together 65 key stakeholders from the Australia-New Zealand Counter-Terrorism Committee community, international partners and the cruise ship and oil and gas industry.

## International Engagement

The maritime domain intersects with international security threats such as terrorism, piracy and illegal, unreported and unregulated fishing. Working with international partners is key to addressing these maritime security threats. MBC represents Australia internationally through multilateral and bilateral means to build and sustain mutually beneficial partnerships to support our civil maritime security interests.

### *Multilateral*

The Heads of Asian Coast Guard Agencies Meeting (HACGAM) is a key multilateral forum by which Australia can influence the way the region approaches maritime security challenges. HACGAM consists of all major coast guard agencies in the Asian region; Japan initiated the forum in 2004 and is the HACGAM Secretariat. The forum is dedicated to civil maritime challenges including search and rescue, environmental protection, preventing and controlling unlawful acts at sea, and capacity building. MBC attended the HACGAM working level meeting and senior level meetings in Pakistan this year, where it was decided that Australia, through MBC, will host HACGAM in 2020.

In September 2017, ABF represented Australia at the Coast Guard Global Summit from 12-14 September 2017 in Tokyo, Japan. Discussions included topics such as maritime safety and marine environment protection, maritime security, and capacity building.

MBC also represents Australia with Defence as part of the annual Quadrilateral Defence Coordination Group (QUADS) forum, which aims to coordinate defence assistance, capacity building, engagement activities, and maritime surveillance programs across the South Pacific in order to enhance regional security.

COMMBC is Australia's representative at Regional Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Australia provides financial support to the ReCAAP Information Sharing Centre located in Singapore. The Centre provides a mechanism for countries in the region to share information on piracy and armed robbery at sea.

The Department of Immigration and Border Protection supports the Association of Southeast Asian Nations (ASEAN) Regional Forum which has a focus on maritime security. In 2018, Australia will host the ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security in Brisbane.

DIBP is also working with DFAT on a whole-of-government approach to support Australia's maritime security interests in the Southeast Asia region, including enhanced engagement and maritime domain awareness. Some of DIBP's initiatives in this space will also support the ASEAN Australia-Special Summit in March 2018.

### *Bilateral*

MBC engages bilaterally to support Australia's civil maritime security priorities, including through dialogues, coordinated patrols and port visits, including:

- In October 2017, MBC undertook a port visit to Malaysia as part of Exercise Redback.
- MBC undertakes multiple coordinated patrols each year with Indonesia. This includes coordinated patrols with the Indonesia Coast Guard, BAKAMLA, and the Indonesia Ministry of Marine Affairs and Fisheries.
- In September 2017, COMMBC attended the Australia-Sri Lanka Joint Working Group, which focussed on combatting people smuggling and other transnational crime. Sri Lanka are seeking improved information sharing with Australia.

Contact Details:
Name: Clive Murray, Acting Deputy Commissioner Operations
Phone: (w) 02 <span style="background-color: #cccccc;">s22(1)(a)(ii)</span> (m) <span style="background-color: #cccccc;">s22(1)(a)(ii)</span>

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



**Australian Government**  

---

**Department of Home Affairs**

# **IRREGULAR MIGRATION – OPERATION SOVEREIGN BORDERS**

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

## Key Issues

### Establishment of Operation Sovereign Borders

- Operation Sovereign Borders (OSB) was established by the Australian on 18 September 2013 as a military-led whole of government response to counter maritime people smuggling. The Joint Agency Task Force (JATF) has responsibility for coordinating the efforts of the 16 contributing agencies. The key principle of OSB is that people who seek to travel to Australia illegally by boat will be intercepted and returned to their country of departure, country of origin, or sent to another country for regional processing or settlement. They will not be settled in Australia.
- The current Commander JATF (CJATF) OSB is Air Vice-Marshal Stephen Osborne. OSB has been a success due to the resolve of Government to maintain the policy and the effective interagency coordination. OSB is implemented through a layered system of offshore deterrence and on water response capabilities underpinned by deliberate international engagement and strategic communications programs. The key areas of effort under the policy include:
  - Diplomatic efforts – supported by DFAT to implement bilateral arrangements for the return of potential illegal immigrants (PIIs), and the establishment of settlement solutions for Illegal Maritime Arrivals (IMAs) undergoing regional processing.
  - Intelligence fusion – the coordinated application of Australian Intelligence Community and law enforcement agencies working with offshore partners to deter and disrupt people smuggling ventures in source and transit countries and to cue Maritime Border Command (MBC) assets.
  - On-water detection and interception – MBC coordinate aerial surveillance and maritime patrols to intercept Suspected Illegal Entry Vessels (SIEV) and return PII to their country of departure or country of origin
  - Strategic communications – a comprehensive program of messaging that targets PIIs in source and transit countries, as well as diaspora communities in Australia, to highlight Australia's tough border control policies, to counter the lies of people smugglers, and to reinforce the futility of attempting to travel illegally by boat to Australia.

### Threat assessment

- OSB has succeeded in substantially reducing the number of potential illegal arrivals. PIIs are aware of Australia's policies and are reticent to attempt maritime ventures, this has led to a collapse of people smuggling business models in key source and transit countries.
- However, we know that people smugglers will continue to look for any opportunity to restart their trade, which they can only do if they demonstrate success to PIIs. They use any and all information to try to convince vulnerable people that Australia's policies have changed or that they can defeat the tactics and techniques that we employ on water in order to market new ventures.
- Despite our considerable success in undermining the people smuggling trade, there remains a persistent level of threat and regular attempts to evade detection.

### On water operations

- Between December 2007 and 18 September 2013, over 50,000 illegal maritime arrivals (IMAs) arrived in Australia. Over the period August 2008 to 31 December 2013, 1,203 people are known to have died at sea trying to reach Australia, although the actual figure is likely to be higher. In December 2013, enforced turn-backs were implemented which saw a significant drop in arrivals; this was further impacted by the re-introduction of regional processing.

- It is over three years since the last people smuggling venture reached Australia. The last successful arrival was in July 2014, and all passengers on-board the vessel were transferred to Nauru.
- <sup>s47E(d)</sup> [REDACTED]
- JATF OSB continue to monitor changes in the people smuggling environment in order to maintain operational responsiveness to respond to threats. <sup>s47E(d)</sup> [REDACTED]

## Strategic Communications

- JATF OSB is responsible for the delivery of a wide-reaching, high frequency anti-people smuggling strategic communication campaign to deter migrants who might consider joining an illegal maritime venture targeting Australia.
- The campaign, delivered in multiple languages, targets PII in 11 source and transit countries, as well as diaspora communities in Australia who may have links to PII in their home country.
- The campaign aims to influence the decisions of PII by informing and educating them about the Australian Government's tough border protection policies and the futility of attempting illegal migration to Australia. Campaign messaging highlights the strength of Australian border protection capabilities; the physical and financial risks associated with illegal maritime migration; the deceptive tactics of people smugglers; and the negative consequences of attempting illegal migration by boat to Australia.
- The campaign is delivered through a range of mainstream advertising and community engagement mediums including television, radio, print, online, transit advertising (branded vehicles and on-board TV), social media, billboards, leaflets, stickers, roadshows and community outreach programs.
- The campaign has significantly contributed to the success of OSB in deterring people from attempting illegal maritime ventures to Australia.
- Experience has shown that a lapse in communication activity allows people smugglers to falsely promote the perception of relaxed, changed or weakened Government policies. Sustained communication activity is required to reinforce policy messages and counter the marketing techniques used by people smugglers.

## Non-disclosure of information

- A sensitive but critical component of OSB relates to the restricted release of operational information into the public domain.
- Information that may reveal the location, capacity, patrol and tactical routines relevant to Navy and ABF vessels and air assets is not released. Such information can undermine the Government's tactical advantage over people smugglers who seek to use this information to avoid or trigger detection or to precipitate a search and rescue response. Additionally, the release of this type of information may enable an exploitation of sensitive tactics, techniques and procedures employed by MBC.
- This information may also affect Australia's relations with foreign governments and undermine the potential for international agreements and cooperation necessary between operational agencies.

# Background

## JATF Task Groups

- The JATF incorporates two task groups:
  - **The Disruption and Deterrence Task Group** - led by the Australian Federal Police, is responsible for coordinating activities to counter people smuggling in Australia and with partner countries which prevent and disrupt syndicates that facilitate PII travel to Australia.
  - **The Detection, Interception and Transfer Task Group** - led by the Maritime Border Command, is responsible for aerial and on water surveillance, interception and support to returns, including turn backs, take backs, and assisted returns.

Note: The Detention and Removals Task Group has been transferred to the Department as a key component of the management of the legacy IMA cohort.

## On water operation – returns

- While often generically referred to as ‘turnbacks’, on water returns fall into three discrete categories:
  - **Enforced turn backs** are used to return crew and PIIs to country of departure. Enforced turn backs may be undertaken using the SIEV or an alternative vessel (which may be a commercial alternative vessel or a lifeboat).
  - **Take backs** involve the return of PIIs and crew to their country of origin based on a co-operative bilateral agreement with the other country. Under OSB, PIIs have been taken back to Sri Lanka and Vietnam.
  - **Assisted returns** are undertaken in circumstances where ABF/ADF vessels are called upon to assist persons in a safety of life at sea (SOLAS) situation.
- Between 19 December 2013 and 30 November 2017, 771 people aboard 31 people smuggling ventures were returned to their countries of origin or departure. The breakdown is as follows:
  - Thirteen ventures were enforced turn backs
  - Seven ventures were assisted returns
  - Eight ventures, with a combined total of 137 people, were returned to Sri Lanka with the cooperation of the Sri Lankan Government (take backs).
  - Three ventures, with a combined total of 113 people, were returned to Vietnam with the cooperation of the Vietnamese Government (one maritime and two by air).
- s33(a)(iii)
- In December 2016, an MOU with Vietnam was signed which will provide a formal framework for the return of Vietnamese nationals with no legal right to enter or remain in Australia.

Contact Details:	
Name: Clive Murray, Acting Deputy Commissioner Operations	
Phone: (w) 02 <span style="background-color: grey; color: grey;">s22(1)(a)(ii)</span>	(m) <span style="background-color: grey; color: grey;">s22(1)(a)(ii)</span>

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



**Australian Government**  
**Department of Home Affairs**

# **REGIONAL PROCESSING AND SETTLEMENT**

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

## Key Issues

- Regional processing, third country resettlement and preventing illegal maritime arrivals from settling in Australia have been central to the success of Operation Sovereign Borders and stopping the boats. <sup>s33(a)(iii), s47E(d)</sup>  
[Redacted]
- To support Australia's strong border integrity, Australia continues to support the full resolution of the regional processing caseload in Nauru and Papua New Guinea (PNG) <sup>s33(a)(iii), s47E(d)</sup>  
[Redacted]
- Outflow through to the United States and through returns and removals will result in significant changes to the environment over the next 6 months. <sup>s33(a)(iii), s47E(d)</sup>  
[Redacted]
- <sup>s33(a)(iii)</sup>  
[Redacted]
- [Redacted]

### PNG

- The PNG Supreme Court ruled that the detention of transferees at the Manus Regional Processing Centre (RPC) was contrary to the right to personal liberty guaranteed by s 42 of the PNG Constitution. The Court ordered the Australian and PNG Governments to take all steps necessary to cease and prevent the detention of transferees at the centre (rather than ordering the closing of the centre altogether). The Government of PNG closed the Manus RPC on 31 October 2017.
- To support closure of the Manus RPC <sup>s33(a)(iii)</sup> [Redacted] Australia engaged service providers to establish alternative accommodation and services outside of the Manus RPC, to ensure continuity of service for the residual caseload.

<sup>s33(a)(iii)</sup>  
[Redacted]

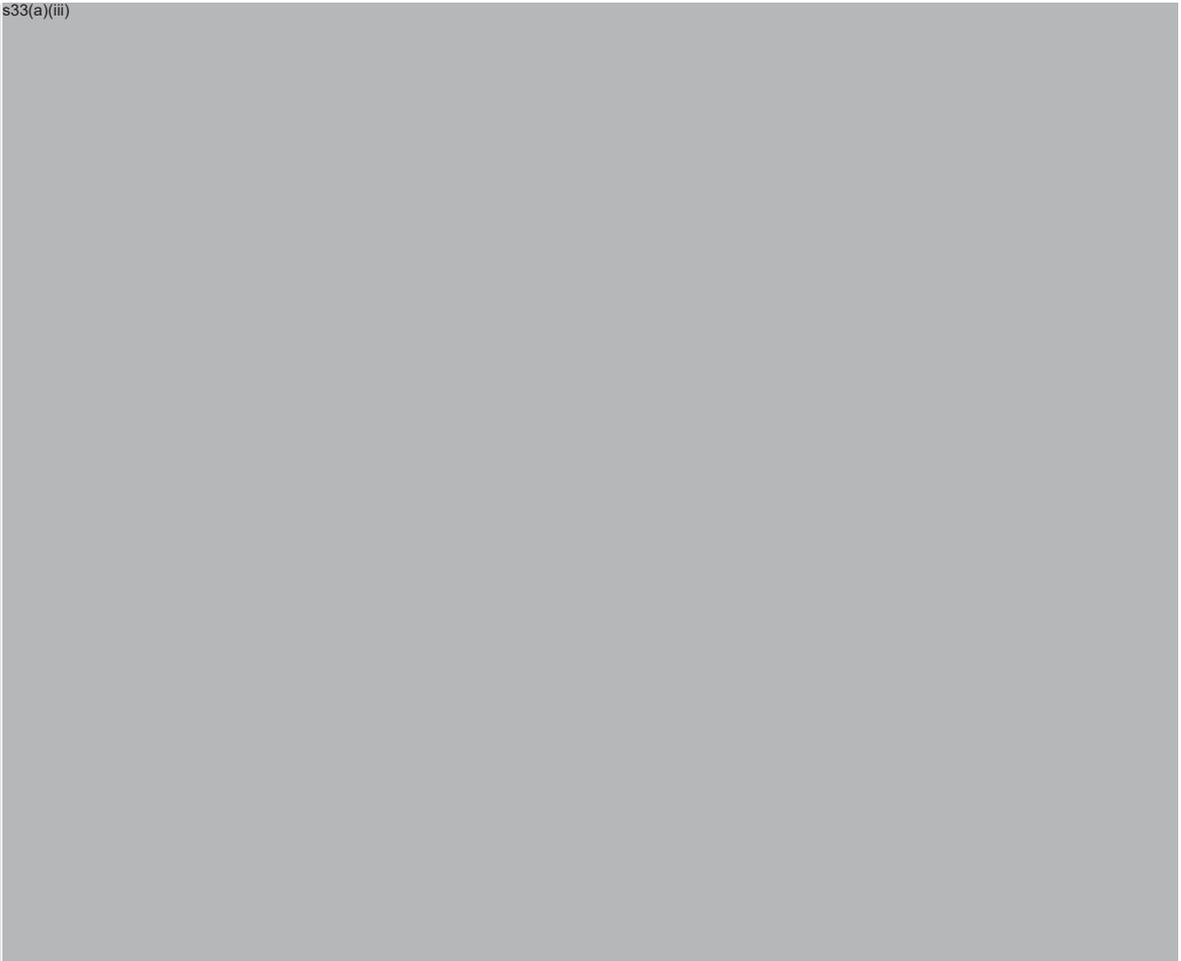
- PNG have agreed to review the RRA and official meetings have commenced <sup>s33(a)(iii)</sup>  
[Redacted]  
[Redacted] both countries have indicated a willingness to progress discussions in order to seek a mutually agreed position.

### Nauru

- In relation to the regional processing arrangement on Nauru, <sup>s33(a)(iii)</sup>  
[Redacted]

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

s33(a)(iii)



## Background

- Regional processing arrangements in Nauru are underpinned by an MOU which commits the Australian Government to pay 'all direct and indirect costs associated with regional processing', and an associated MOU Implementation Plan 2015-2020.
- As at 7 December 2017, there were 1084 people in Nauru after being transferred from Australia under the MOU with Nauru, including 159 minors. In addition, there are 383 people on medical transfer in Australia or PNG; these people are expected to return to Nauru.
- In July 2013, the PNG Regional Resettlement Arrangement (RRA) was signed. The RRA forms the basis for the ongoing management of regional processing and resettlement in PNG.
- As at 7 December 2017, there were 826 people in PNG after being transferred from Australia under the RRA, and a further 52 people in Australia on medical transfer, yet to return to PNG.
- The Governments of PNG and Nauru are provided with significant support from Australia to provide welfare and health services to transferees. All transferees receive support services through contracted providers, including health, needs-based case management, income support, employment and vocational support and language training.

### **Voluntary returns and removals**

- Since 18 September 2013, a total of 651 individuals, who were subject to regional processing, have voluntarily departed Nauru, PNG and Australia.
- Removals from PNG and Nauru are a matter for the respective Governments.

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

- For those non-refugees who have exhausted all appeals mechanisms, the Governments of PNG and Nauru have the option to remove them in accordance with normal international practice.
- Under current agreements, the Department continues to support and assist the Governments of PNG and Nauru to develop their removals capability, through training and mentoring services.

### **Transitory Persons**

- Transitory persons are people who were transferred to Australia from a regional processing country for a temporary purpose, such as medical treatment. Transitory persons are subject to return to a regional processing country when the person no longer needs to remain in Australia for the temporary purpose.
  - Many transitory persons have completed the medical treatment for which they were transferred to Australia but have commenced legal proceedings to prevent their return.
- Transitory persons are precluded from seeking protection in Australia and will have their protection claims assessed by either PNG or Nauru. This will continue while they are in Australia.
- In August 2017 the Minister commenced the grant of final departure Bridging E visas to this cohort, removing the Australian Government financial assistance provided to transitory persons who have not returned.
- As at 7 December 2017 there were 427 transitory persons in Australia; 52 from PNG and 375 from Nauru.

#### **Contact Details:**

Name: David Nockels, Acting Deputy Commissioner Support

Phone: 02 s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# **THIRD COUNTRY RESETTLEMENT**

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

## Key Issues

- Under regional processing arrangements agreed with the governments of Papua New Guinea (PNG) and Nauru, Australia has committed to support Nauru and PNG to identify permanent resettlement outcomes for refugees.
- The US has agreed to resettle at least 1250 refugees under its Refugees Admission Program.
  - 54 refugees were resettled in the US in late September 2017 and a further 210 have received positive decisions, with departure anticipated in late January-February 2018.
- <sup>s33(a)(iii)</sup> [REDACTED]
  - The US Department of Homeland Security is planning further visits to Nauru and PNG between February-May 2018.
- Refugees not resettled by the US currently have the following resettlement options:
  - Refugees in Nauru may stay there for up to 20 years, or settle in Cambodia.
    - As at 8 December 2017, seven Nauru-determined refugees have left for Cambodia, but most subsequently returned to their country of origin.
  - Refugees in PNG may settle in PNG.
  - Individuals can return to their home country and will receive returns assistance to help re-establish their lives.
- There will be a residual number of refugees who are not resettled in the US and who do not take up the other current options. The Department and the Department of Foreign Affairs and Trade (DFAT) are seeking further permanent resettlement options for these refugees.
  - Approaches to-date have yielded little success, but we are currently pursuing a number of possible options.
    - Resettlement negotiations are complex, require strict confidentiality with as well as meaningful incentives to secure cooperation.
    - Domestic priorities and sensitivities have influenced interest levels.
    - The implications on the Operation Sovereign Borders deterrence effect are also taken into account in identifying potential third country resettlement options.

## Background

The Minister for Immigration and Border Protection has made three public interest immunity claims regarding third country resettlement options and related matters. The first claim on 17 October 2016, the second on 7 January 2017 and the third on 7 September 2017. The claims protect the confidentiality of discussion and negotiations with third countries about resettlement from public release.

### Contact Details

Name: Lachlan Colquhoun, First Assistant Secretary International

Phone: (w) 02 <sup>s22(1)(a)(ii)</sup> (m) <sup>s22(1)(a)(ii)</sup>



**Australian Government**  
**Department of Home Affairs**

# **RESOLVING THE ILLEGAL MARITIME ARRIVAL LEGACY CASELOAD**

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

## Key Issues

- Between 2008 and 2014, around 50,000 illegal maritime arrivals (IMAs) arrived in Australia. Most arrived without identity documentation and from a broad range of countries with differing circumstances.
- Australia has a number of binding obligations that arise under international treaties to which it is a party, including the *1951 Convention relating to the Status of Refugees* (Refugee Convention) and its *1967 Protocol*, the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *International Covenant on Civil and Political Rights*. Consistent with these obligations, Australia must assess whether the IMAs who arrived in Australia and were not taken to a regional processing country engage our protection obligations and ensure no one is forcibly returned to a place where they will be at risk of a specific type of harm.
- At the time of commencement of the military-led Operation Sovereign Borders on 18 September 2013, around 30,500 IMAs remained in Australia with an unresolved status. To assist with resolution of the caseload, the Government set a 1 October 2017 deadline for IMAs to lodge applications for a Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV) application. All but 71 IMAs either applied for temporary protection by this time or departed Australia.
- As at 6 December 2017 approximately 14,300 IMAs, out of the 30,500 IMAs mentioned above, have been fully assessed and had been granted or refused a temporary protection visa. A further 1,600 (approx.) are at merits review. Assessment of the temporary protection applications made by the remaining 14,800 (approx.) IMAs is very complex. The Department has highly skilled protection and identity specialists dedicated to this task and we estimate completion of the initial assessment of the caseload by December 2021.
- While their status is being resolved, the vast majority of IMAs reside in the community on a type of bridging visas (known as a BVE) which affords work rights, access to Medicare, education for school aged children and Government-funded income support and case coordination through Status Resolution Support Services (SRSS). A small proportion of IMAs are in immigration detention or criminal custody due to national security or community protection risk or because they have been convicted of various criminal offences.
- TPV or SHEV holders are expected to make an application for a further TPV or SHEV before their current visa expires. The first TPVs granted approach the end of their three-year in effect period in April 2018, while the first SHEVs are due to expire from early 2021.
- SHEV holders who meet the SHEV pathway requirement (detailed below) are eligible to apply for other visas in Australia. However it is not expected that many will meet the high threshold criteria that are universally applied to permanent skilled visas.

## Background

### Resolution of those who don't engage Australia's international obligations

- Based on a broad assessment of the caseload, we anticipate that approximately, 60-70 percent of IMAs will likely be found to be owed protection and will be granted a TPV or SHEV. IMAs found not to be owed protection and have their visa application refused by the Department are generally able to have that decision reviewed by a merits review body (either the Immigration Assessment Authority or the Administrative Appeals Tribunal).
- IMAs who are found by the Department and at merits review not to engage Australia's protection obligations are considered 'finally determined' and are expected to depart Australia.

- As at 6 December 2017, 1663 IMAs who had their application refused by the Department were undergoing merits review. Another 3800 IMAs were finally determined after being refused post-merits review.
- The resolution of the finally determined cohort is a key priority for the Department and the Australian Border Force (ABF) and managed through Operation Badigeon.
- In most cases, finally determined IMAs will be granted a Final Departure Bridging visa while they make arrangements to depart.
  - The Final Departure Bridging visa provides work rights, access to Medicare and education for school aged children, consistent with Australia's international obligations. Finally determined IMAs are not eligible for SRSS support (such as income support and rental assistance).
- While finally determined IMAs are expected to return to their country of origin, the complex interplay of our international obligations, domestic law and bilateral relations with source countries mean that many IMAs will not be able to be involuntarily removed. In practice this will mean that some IMAs who do not engage Australia's protection obligations remain in the community for an indefinite period. A small proportion of IMAs may be detained due to the national security or community protection threat they pose, placing pressure on the Department's detention centre network over a prolonged period.

### Visas IMAs can apply for

- TPVs are valid for up to three years. To be eligible for a TPV, IMAs need to engage Australia's protection obligations (or be a member of the same family unit as someone who does) as well as meet health, security and other visa requirements.
- SHEVs are valid for five years. The SHEV is designed to encourage IMAs to work and/or study in regional areas. To be eligible for IMAs need to engage Australia's protection obligations (or be a member of the same family unit as someone who does), meet health, security and other visa requirements, and express an intention to work or study in regional Australia.
  - SHEV holders who work or study in a regional area for at least 3.5 years without claiming special benefits will meet the SHEV pathway requirements.
  - SHEV holders who meet pathway requirement are eligible to apply for other visas in Australia, such as Skilled, Student, Employer-Sponsored, and Family visas.
  - All states and territories in Australia have opted in to the SHEV program.

#### Contact Details

Name: Luke Mansfield, First Assistant Secretary Refugee and Humanitarian Visa Management

Phone: (w) s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# INTEGRATION AND FUTURE REFORM

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

## Key Issues

- The Department of Home Affairs (Home Affairs) will have significant responsibilities across a range of policy, programmatic and operational functions supported by corporate and enabling activities. It will be essential to ensure that transformation across the portfolio is coordinated and creating public value.
- Given expectations of Home Affairs, and to enable more effective delivery for Government, we need to transform into a more effective and efficient enterprise and build a stronger link between enterprise and mission outcomes.

## Managing transformation

- The Department has a number of approved initiatives underway to address increasing volumes, an evolving risk environment and increasing expectations of stakeholders.
- The Enterprise Transformation Program comprises streams that represent the externally facing business (Immigration, Border and Trade) and internal enablers (Intelligence and Identity, Technology Workforce and Corporate).
- Between November 2014 and May 2015, the Department completed four integration reform related submissions under the Department Immigration and Border Protection and the Australian Customs and Border Protection Service banners, which resulted in \$864.4 million of approved funding for reform work packages planned between 2014/15 and 2019/20.
- In addition, Government approved the measure Immigration Reform – changes to Australia's visa processing arrangements. This included funding of \$185.4 million over four years (including \$65.3 million in capital funding) to enhance the visa framework to support economic and migration objectives, improve service delivery and enhance biometric capability, allowing the Department to better manage increasing traveller volumes while securing the border.
- Other transformation is being funded from the Department's Capital Budget and operational funding.
- Other major work underway includes:
  - Automation of Border processing with risk based interventions, and stronger collaboration with partner law enforcement agencies.
  - Development of advanced targeting and risk assessment models to support real-time, risk-based decision making in visa, trade and traveller services, to deliver improved border protection.

## Home Affairs Change Program

- Enhancing leadership, performance reporting, governance, integrity, learning and development, communications and culture – is critical to Home Affairs' future success.
- To ensure quick stand up of full capability, a dedicated change program will guide enterprise transformation, seek to build a culture of success and will focus on Enterprise Strategy, Governance, People, Communications and Performance.
- The change program will ensure we address known performance issues, such as those identified in a 2017 RAND report, deliver appropriate strategies and measures, and support monitoring and reporting on progress towards Government priorities and Departmental outcomes.
- Focussing on reforming how we work, the change program will increase our innovation and agility, and building strong leadership and staff capability across the Department.
- The ANAO is currently conducting a performance audit on the Department's implementation of the Integration related commitments. It is expected the ANAO will report back in the second quarter of the 2018 calendar year.

## Background

- The Executive Group will lead development of strategy and monitoring of major transformation and managing the change program.

### Contact Details

Name: Steven Groves, Acting Deputy Secretary Corporate Group / Chief Operating Officer

Phone: (w) 02 s. 22(1)(a)(ii) (m) s. 22(1)(a)(ii)



Australian Government  
Department of Immigration  
and Border Protection

# DIBP EMPLOYMENT CONDITIONS AND ARBITRATION BEFORE THE FAIR WORK COMMISSION

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

## Key Issues

Future terms and conditions of employment for non-SES employees of the Department of Home Affairs (the Department) are being determined through Arbitration before a Full Bench of the Fair Work Commission (FWC). This follows a decision by the FWC on 5 October 2016 to terminate Protected Industrial Action (PIA) that was occurring in the Department of Immigration and Border Protection (DIBP) during Enterprise Agreement (EA) negotiations.

The decision of the Full Bench will be set out in a Workplace Determination (WD) issued by the FWC, rather than an EA voted on by employees. Once in place, the WD will apply to all non-SES employees in the Department and those transferring into the Department of Home Affairs from other agencies.

An outcome from Arbitration is not expected until sometime during 2018. Once hearings conclude, it is almost certain that the FWC will reserve its decision and will take some time to consider the issues and prepare written reasons.

Until the WD is in place, the existing Department of Immigration and Citizenship 2011-14 Enterprise Agreement and determinations made under section 24 of the Public Service Act 1999 will apply to all non-SES staff within the Department of Home Affairs.

## Background

### Arbitration

On 5 October 2016, the FWC made an order under section 424(1) of the Fair Work Act 2009 terminating PIA by Departmental employees. The FWC must now make an industrial action related workplace determination in accordance with section 266 of the Fair Work Act 2009.

The Full Bench of the FWC, convened for the arbitration process, is comprised of Vice President Catanzariti, Deputy President Kovacic and Commissioner Johns. The parties include the Department, the Community and Public Service Union (CPSU), the Australian Institute of Marine and Power Engineers (AIMPE) and individual bargaining representatives.

In evidence provided to the FWC, the Department has proposed a WD that is based on the following high level principles:

- Establish a single set of terms and conditions that reflect one integrated Department.
- Allow change to be progressed without disproportionate consultation overheads, only commit to consultation on major change and proposals to change working hours and arrangements.
- Provide the flexibility required to operate a 24/7 frontline operational organisation with highly variable work requirements and attendance needs.
- Provide remuneration outcomes that are sustainable and affordable both in staffing and dollar terms.
- Provide location-based allowances that reflect contemporary standards and methods for determining remotes based on modern award formulae.
- Provide employment conditions in line with the Australian Government Bargaining Policy.

Key terms and conditions proposed include:

- A three year term from the date of effect.
- A general pay increase of 6 per cent over three years (2 per cent each year).
- The introduction of a new Australian Border Force composite allowance and rationalisation of existing allowances.
- Maintenance of core conditions under the DIAC EA.
- Simple, clear and easy to read clauses (including removing operational detail to policy documents).
- Removal of restrictive work practices.

**PROTECTED**

Following the lodgement of evidence and submissions by all parties, hearings for the substantive matter were held on 16, 20, 24, 25 October and 5, 6, 7, 8 December 2017. At the time of writing, further hearings are scheduled for 18, 19, 20 and 21 December 2017.

Hearings commenced with opening submissions by each of the parties on 16 and 20 October 2017. Witnesses for the Department gave evidence and were cross-examined by the bargaining representatives on 24 and 25 October and 5, 6 and 7 December 2017.

Cross examination of CPSU witnesses commenced on 7 December 2017. Cross-examination of all bargaining representative's witnesses is expected to be concluded during hearings scheduled for the week commencing 18 December 2017. Following this, the FWC is likely to set a date for lodgement of written closing submissions and hearing dates for oral closing submissions.

During the October 2017 hearings, the Full Bench asked the parties to participate in further conciliations in an attempt to narrow the number of issues in dispute, to which all parties agreed. The Department first met individually with Commissioner Wilson on 24 November 2017 and then participated in three days of joint conciliations between 29 November and 1 December 2017.

Following a request during the October 2017 hearing dates from Mr Michael Bakhaazi (AIMPE), the Vice President has directed that:

- Parties are to file submissions by Friday 15 December 2017 on the question of whether the FWC has jurisdiction to order an interim pay increase.
- If the FWC decides that it does have jurisdiction, it will determine both the date of the interim pay increase and the quantum.
- The hearing on Monday, 18 December 2017 will be set aside to hear the issue.

#### **Current terms and conditions**

On 13 May 2014, the Australian Government announced the integration of the Department and the Australian Customs and Border Protection Service (Customs). The two agencies were merged together in a machinery of government change (under section 72 of the Public Service Act 1999) effective from 1 July 2015.

To coincide with integration, a range of terms and conditions from the Customs EA were preserved through Determinations made under section 24 of the Public Service Act 1999 and continue in place pending settlement of a single, integrated industrial instrument.

#### **Protected Industrial Action (PIA)**

PIA was terminated by the FWC on 5 October 2016. In accordance with section 417(6) of the Fair Work Act employees are not able to engage in PIA again until a new bargaining period is underway (following nominal expiry of the WD still to be handed down by the Full Bench of the FWC).

## **Background**

### **SES pay rises**

Following the three consecutive unsuccessful ballots put to non-SES employees, the Secretary provided SES employees with a 2 per cent pay increase in November 2016 and a further 2 per cent pay increase in August 2017. The pay rises were consistent with the requirements of the Government's Workplace Bargaining Policy and SES remuneration outcomes in a range of other APS agencies.

SES employees in the Department are not covered by the EA; they are not entitled to participate in collective bargaining for terms and conditions and cannot participate in industrial action. They will not be covered by the Workplace Determination that will be handed down by the FWC at the conclusion of arbitration proceedings.

#### **Contact Details**

Name: Murali Venugopal, First Assistant Secretary People

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

**PROTECTED**

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



**Australian Government**  
**Department of Home Affairs**

# COMMONWEALTH BUDGET 2017-18

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

## Key Issues

- The total resourcing for the DIBP is \$4.4 billion for 2017-18 and \$15.2 billion over the forward estimates, as at the 2017-18 Portfolio Budget Statements (PBS).
- In 2017-18, total departmental expenses (excluding depreciation and amortisation) as published in the 2017-18 PBS is \$2,547.1 million, representing a decrease of \$73.0 million (Table A.2 of Attachment A refers) from \$2,620.1 million in 2016-17.
- As at the 2017-18 PBS, the total forecast Average Staffing Level (ASL) for DIBP in 2017-18 was 13,755, representing a decrease of 217 ASL from the total actual ASL for 2016-17 of 13,972.
- At 2017-18 Budget a number of measures were agreed. Details can be provided upon request.
- DIBP has been a strong contributor to the Government's requirement for fiscal restraint and has been proactive in identifying savings through efficiencies wherever possible and fully offsetting its major reform programmes in recent years.
- Since the 2013–14 Commonwealth Budget, around \$1.8 billion in savings (excluding base efficiency dividends) have been applied to Departmental funding over the eight years to 2020-21. The details are provided at Attachment B.
- In 2017-18, these savings amount to \$263.1 million or approximately 10 per cent of departmental funding.
- These savings include the impact of the efficiency dividend increase announced by the Government in the 2016–17 Budget which will result in a further reduction in departmental funding of approximately \$201.5 million over four years from 2017-18 to 2020-21.

## Background

For more information see Attachments A and B.

## Attachments

Attachment A – Resourcing at a Glance – 2017-18 Portfolio Budget Statements

Attachment B – s34

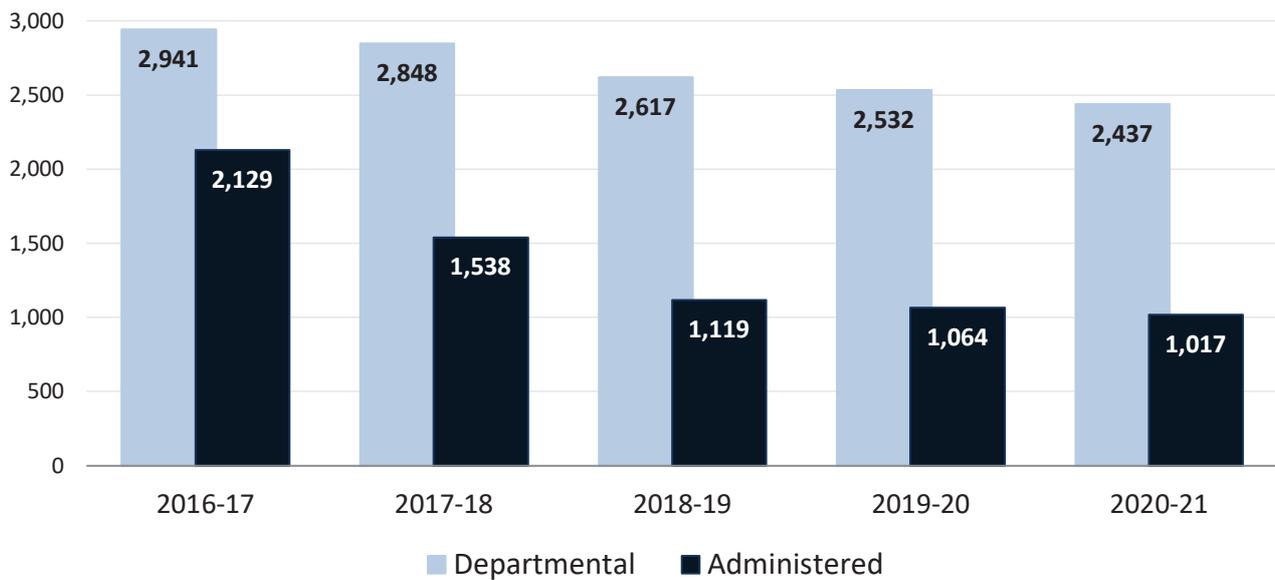
Contact Details	
Name: Stephanie Cargill, Acting First Assistant Secretary Finance / Acting Chief Finance Officer	
Phone: (w) s22(1)(a)(ii)	(m) s22(1)(a)(ii)



## Resourcing at a Glance – Budget 2017-18

- The Department of Immigration and Border Protection’s (DIBP) total funding as at the Portfolio Budget Statements (PBS) 2017-18 is (see table A.1):
  - \$4.4 billion in 2017-18
  - \$15.2 billion over the forward estimates

**Total Portfolio Funding (\$million)**



- The significant reduction in administered funding across the forward estimates is largely attributable to a decline in the level of administered funding associated with the management of Illegal Maritime Arrivals (IMAs).
- The reduction in departmental funding across the forward estimates is largely attributable to the phase down of Reform funding and the following items:
  - Funding associated with processing the onshore IMA legacy caseload (Program 1.3);
  - Reforming the Visa and Migration Framework (2016-17 Budget)<sup>1</sup>; and
  - Public Sector Transformation and the Efficiency Dividend (2016-17 Budget).

**A.1: DIBP funding as at the PBS 2017-18**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
Departmental operating expenses	2,459.9	2,365.4	2,218.9	2,169.0	2,068.2	<b>8,821.4</b>
Departmental capital	293.5	300.6	213.1	175.4	177.3	<b>866.4</b>
Relevant s74 agency revenue	187.8	181.7	185.0	187.3	191.4	<b>745.4</b>
<b>Departmental</b>	<b>2,941.2</b>	<b>2,847.7</b>	<b>2,616.9</b>	<b>2,531.7</b>	<b>2,436.9</b>	<b>10,433.2</b>
Administered expenses	1,943.1	1,513.5	1,099.6	1,044.0	996.4	<b>4,653.6</b>
Administered capital	186.1	24.9	19.7	20.2	20.5	<b>85.2</b>
<b>Administered</b>	<b>2,129.2</b>	<b>1,538.4</b>	<b>1,119.3</b>	<b>1,064.2</b>	<b>1,017.0</b>	<b>4,738.8</b>
<b>Total funding</b>	<b>5,070.4</b>	<b>4,386.1</b>	<b>3,736.2</b>	<b>3,595.9</b>	<b>3,453.8</b>	<b>15,172.0</b>

<sup>1</sup>) Savings arising from this measure were deferred by two years as part of the 2017-18 Budget.



## Key Initiatives of the 2017-18 Budget

### Immigration Reform – changes to Australia’s visa processing arrangements

- The Government will provide DIBP funding of **\$185.3 million over the forward estimates (including \$65.3 million in capital funding)** to modernise and streamline Australia’s visa framework, improve service delivery and enhance biometric collection capability at the border, allowing the Department to better manage increasing traveller volumes while securing the border.

### Better targeting skilled visas

- The Government will abolish the current subclass 457 visa and replace it with a new temporary skill shortage visa consisting of two streams, allowing for the entry of lower skilled workers for up to two years, and a medium-term stream allowing for the entry of higher skilled workers for up to four years. The measure will have a **positive impact on the Government’s fiscal balance of \$47.6 million over five years from 2016-17.**

### Skilling Australians Fund Levy – introduction

- The Government will introduce a *Skilling Australians Fund Levy* which will **increase revenue collected by DIBP by \$1.2 billion over four years from 2017-18.** From March 2018, the levy will be payable by all employers who nominate a foreign worker under relevant visa subclasses.

### Managing Asylum Seekers in Regional Processing Centres – continuation

- The Government will provide an additional **\$21.2 million in 2017-18** for DIBP to continue the Government’s strategy to resolve the regional processing caseload in Nauru and Papua New Guinea.

### Resolving the Onshore Illegal Maritime Arrival Legacy Caseload

- The Government will achieve **efficiencies of \$46.8 million over five years from 2016-17** by introducing significant measures to resolve the status of the legacy caseload of illegal maritime arrivals who arrived in Australia between 2008 and 2014. The Department’s funding was reduced by \$76.7 million over the forward estimates as part of this measure.

### Community Support Programme – establishment

- The Government will establish a Community Support Programme (CSP) of up to 1,000 places from 1 July 2017, with places drawn from within the current Humanitarian Programme. The CSP will have a **positive impact on the Government’s fiscal balance of \$26.9 million over five years from 2016-17,** and replaces the Community Proposal Pilot of 500 places each year.

### Strengthening Australian Citizenship Arrangements

- The Government will introduce a new, tougher Australian citizenship test, assessing applicants for English competency, allegiance to Australia and its people, understanding of and commitment to Australian values and willingness and ability to integrate and make a contribution to the Australian community on a cost recovery basis with a **nil net impact over the forward estimates.**

### Temporary sponsored parent visa – establishment

- The measure will implement the Government’s 2016 election commitment to introduce a five-year temporary visa for parents of Australians from 2017-18. The measure has a **positive impact on the Government’s fiscal balance of \$99.0 million over the forward estimates.**

## Budget Outlook (Departmental)

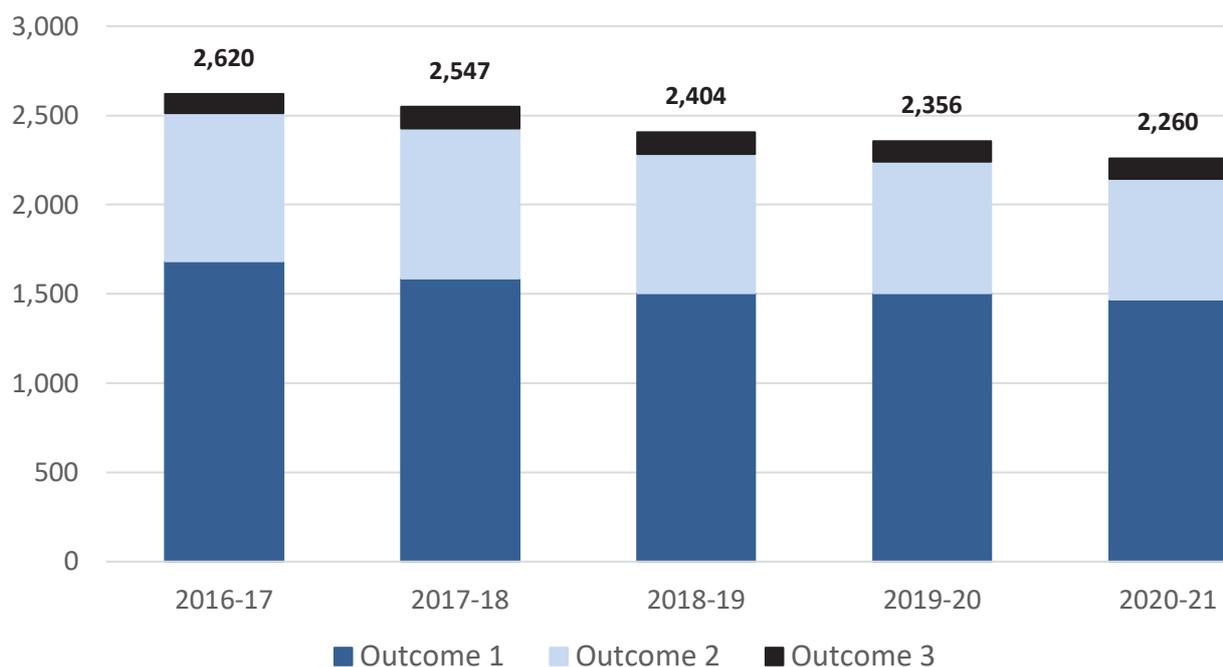
- The total departmental expenses (*excluding depreciation and amortisation*) as at the Portfolio Budget Statements (PBS) 2017-18 are \$2.5 billion in 2017-18 and \$9.6 billion over the forward estimates.

### A.2: Departmental expenses (excluding depreciation and amortisation) as at the PBS 2017-18

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
<b>Outcome 1</b>						
1.1: Border Enforcement	989.5	922.5	899.7	903.2	894.0	<b>3,619.4</b>
1.2: Border Management	190.9	202.4	193.9	197.0	178.8	<b>772.1</b>
1.3: Onshore Compliance & Detention	383.3	407.5	362.3	357.2	349.5	<b>1,476.5</b>
1.4: IMA Offshore Management	84.6	31.5	29.1	29.2	29.4	<b>119.1</b>
1.5: Regional Cooperation	35.1	23.0	18.4	17.1	17.1	<b>75.6</b>
<b>Outcome 1</b>	<b>1,683.4</b>	<b>1,586.9</b>	<b>1,503.4</b>	<b>1,503.7</b>	<b>1,468.8</b>	<b>6,062.8</b>
<b>Outcome 2</b>						
2.1: Citizenship	82.6	56.6	52.6	52.8	51.8	<b>213.9</b>
2.2: Migration	261.8	324.4	303.8	283.0	258.9	<b>1,170.1</b>
2.3: Visas	347.1	350.5	320.3	300.4	265.3	<b>1,236.5</b>
2.4: Refugee & Humanitarian Assistance	136.4	107.2	102.9	100.0	100.6	<b>410.7</b>
<b>Outcome 2</b>	<b>827.8</b>	<b>838.7</b>	<b>779.5</b>	<b>736.3</b>	<b>676.7</b>	<b>3,031.2</b>
<b>Outcome 3</b>						
3.1: Border-Revenue Collection	71.9	64.2	63.7	61.0	61.1	<b>249.9</b>
3.2: Trade Facilitation & Industry Engagement	37.0	57.3	57.2	55.4	52.9	<b>222.8</b>
<b>Outcome 3</b>	<b>108.9</b>	<b>121.5</b>	<b>120.8</b>	<b>116.4</b>	<b>114.0</b>	<b>472.8</b>
<b>Total departmental expenses</b>	<b>2,620.1</b>	<b>2,547.1</b>	<b>2,403.8</b>	<b>2,356.3</b>	<b>2,259.5</b>	<b>9,566.8</b>

NOTE: Excludes depreciation and amortisation expenses

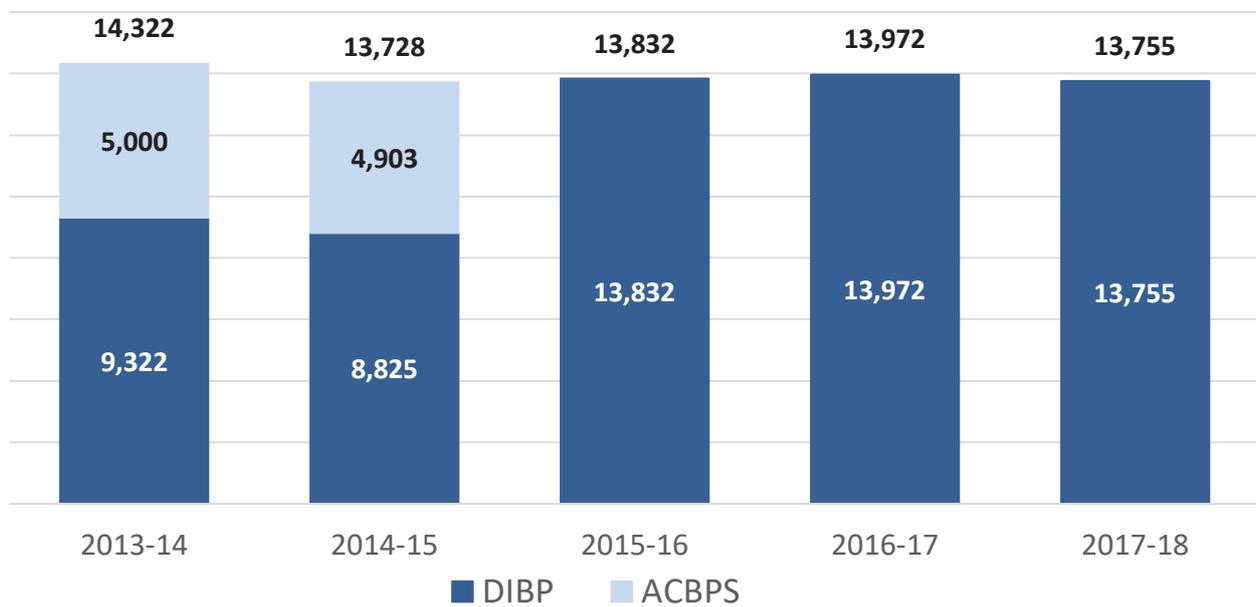
Departmental Expenses (\$million)



## Average Staffing Level

- Average Staffing Level (ASL) reflects the average number of employees receiving salary or wages over the financial year, including adjustments for casual and part-time staff, to show the full-time equivalent employment levels. The combined total ASL figure of 13,972 for DIBP for 2016-17 represents an increase of approximately 1.0 per cent (140 ASL) from total ASL in 2015-16.
- The total forecast ASL for the Department in 2017-18 is 13,755, representing a decrease of 217 ASL from the total ASL for 2016-17.

**Average Staffing Level (ASL)**



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

## Budget Outlook (Administered)

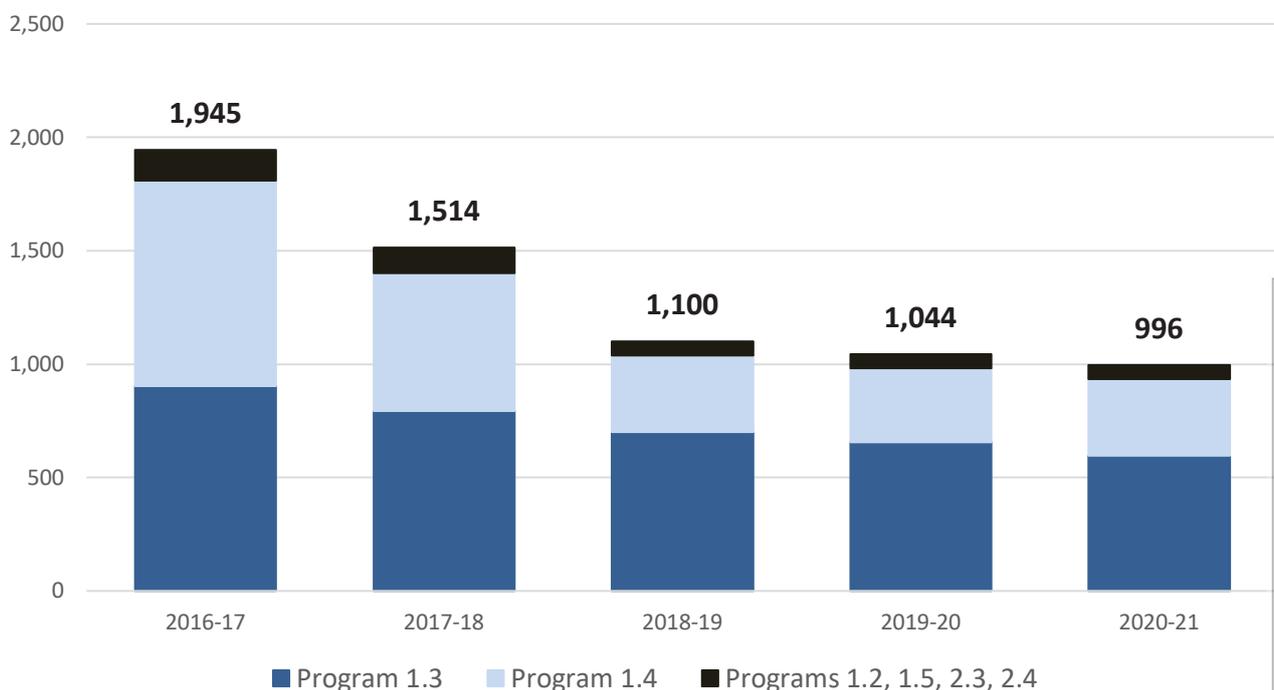
- The total administered expenses (*excluding depreciation and amortisation*) as at the 2017-18 PBS is \$1.5 billion in 2017-18 and \$4.7 billion over the forward estimates.

### A.3: Administered expenses (excluding depreciation and amortisation) as at the PBS 2017-18

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
<b>Outcome 1</b>						
1.2: Border Management	0.0	0.0	0.0	0.0	0.0	<b>0.0</b>
1.3: Onshore Compliance & Detention	902.8	793.4	701.8	655.5	597.5	<b>2,748.2</b>
1.4: IMA Offshore Management	907.6	607.6	337.3	326.8	335.6	<b>1,607.4</b>
1.5: Regional Cooperation	85.4	79.7	27.8	28.5	29.3	<b>165.3</b>
<b>Outcome 1</b>	<b>1,895.8</b>	<b>1,480.8</b>	<b>1,066.9</b>	<b>1,010.9</b>	<b>962.4</b>	<b>4,520.9</b>
<b>Outcome 2</b>						
2.3: Visas	1.1	-	-	-	-	-
2.4: Refugee & Humanitarian Assistance	48.2	32.8	32.7	33.4	34.1	<b>132.9</b>
<b>Outcome 2</b>	<b>49.3</b>	<b>32.8</b>	<b>32.7</b>	<b>33.4</b>	<b>34.1</b>	<b>132.9</b>
<b>Administered expenses</b>	<b>1,945.1</b>	<b>1,513.5</b>	<b>1,099.6</b>	<b>1,044.3</b>	<b>996.4</b>	<b>4,653.9</b>

NOTE: Excludes depreciation and amortisation expenses

### Administered Expenses (\$million)





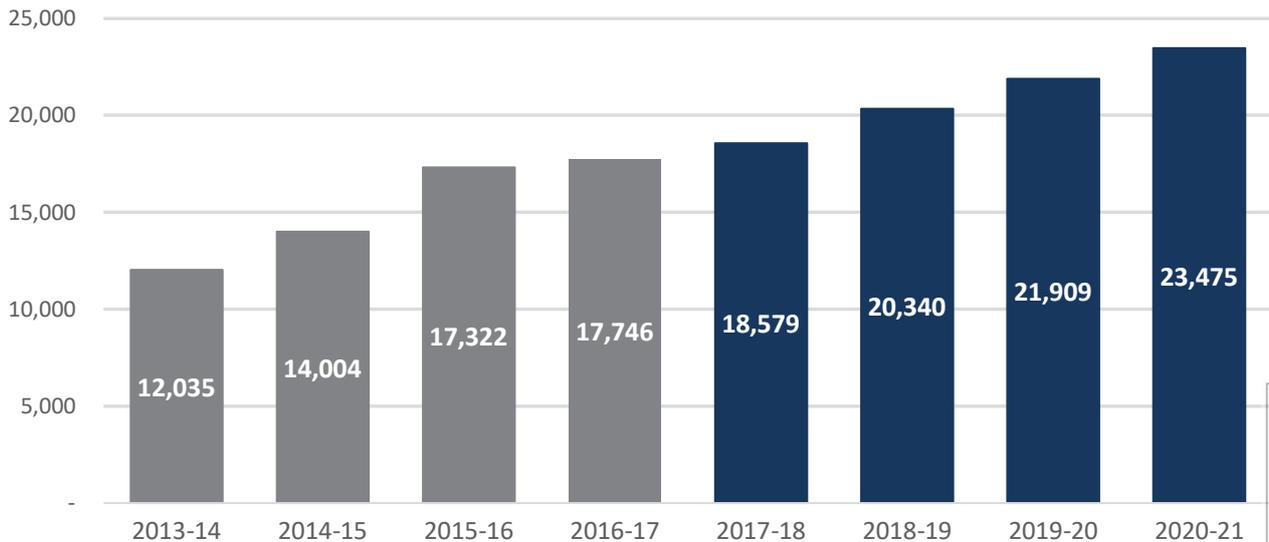
## Revenues administered on behalf of Government

- As at 2017-18 PBS, the Department is forecast to generate administered revenue of \$18.6 billion in 2017-18 and \$84.3 billion over the forward estimates.

### A4: Revenues administered on behalf of Government

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
Customs Duty	14,195.2	14,729.3	15,939.5	17,249.5	18,709.5	<b>66,627.8</b>
Passenger Movement Charge	1,028.4	1,088.5	1,184.5	1,241.5	1,295.9	<b>4,810.4</b>
Import Processing (IPC and Depot Charge)	409.2	416.6	428.3	439.9	451.9	<b>1,736.7</b>
Visa Application Charges	2,045.5	2,275.6	2,718.4	2,905.6	2,945.7	<b>10,845.3</b>
<b>Total taxation revenue</b>	<b>17,678.3</b>	<b>18,510.0</b>	<b>20,270.7</b>	<b>21,836.5</b>	<b>23,403.0</b>	<b>84,020.2</b>
Citizenship fees	51.6	49.9	50.4	52.7	52.8	<b>205.8</b>
Other non-taxation revenue	16.0	19.5	19.1	19.4	19.3	<b>77.3</b>
<b>Total non-taxation revenue</b>	<b>67.6</b>	<b>69.3</b>	<b>69.6</b>	<b>72.1</b>	<b>72.1</b>	<b>283.1</b>
<b>Total administered revenue</b>	<b>17,745.9</b>	<b>18,579.3</b>	<b>20,340.3</b>	<b>21,908.6</b>	<b>23,475.1</b>	<b>84,303.3</b>

Revenues administered on behalf of Government (\$million)



- DIBP will administer an estimated \$18.6 billion in revenue on behalf of Government in 2017-18. This represents an increase of \$0.8 billion (4.7%) from the actual revenue in 2016-17.
- The Customs Duty revenue estimate increased by \$534.1 million (3.8%) from \$14,195.2 million in 2016-17 to \$14,729.3 million in 2017-18, when compared to the actual.
- DIBP collected \$3.7 billion in Goods and Services Tax (GST) on behalf of the Australian Taxation Office in 2016-17. These amounts are not reflected in the table above.

## Capital Resourcing

### Administered Capital

- The Department's administered capital is summarised in Table A.5 below.

**A.5: Administered capital as at PBS 2017-18**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
Administered Capital Budget (ACB)	18.9	19.3	19.7	20.2	20.5	<b>79.6</b>
Equity injections	124.4	5.6	-	-	-	<b>5.6</b>
<b>New capital appropriations</b>	<b>143.2</b>	<b>24.9</b>	<b>19.7</b>	<b>20.2</b>	<b>20.5</b>	<b>85.2</b>
Funded by prior appropriations	42.9	-	-	-	-	-
<b>Total funding</b>	<b>186.1</b>	<b>24.9</b>	<b>19.7</b>	<b>20.2</b>	<b>20.5</b>	<b>85.2</b>

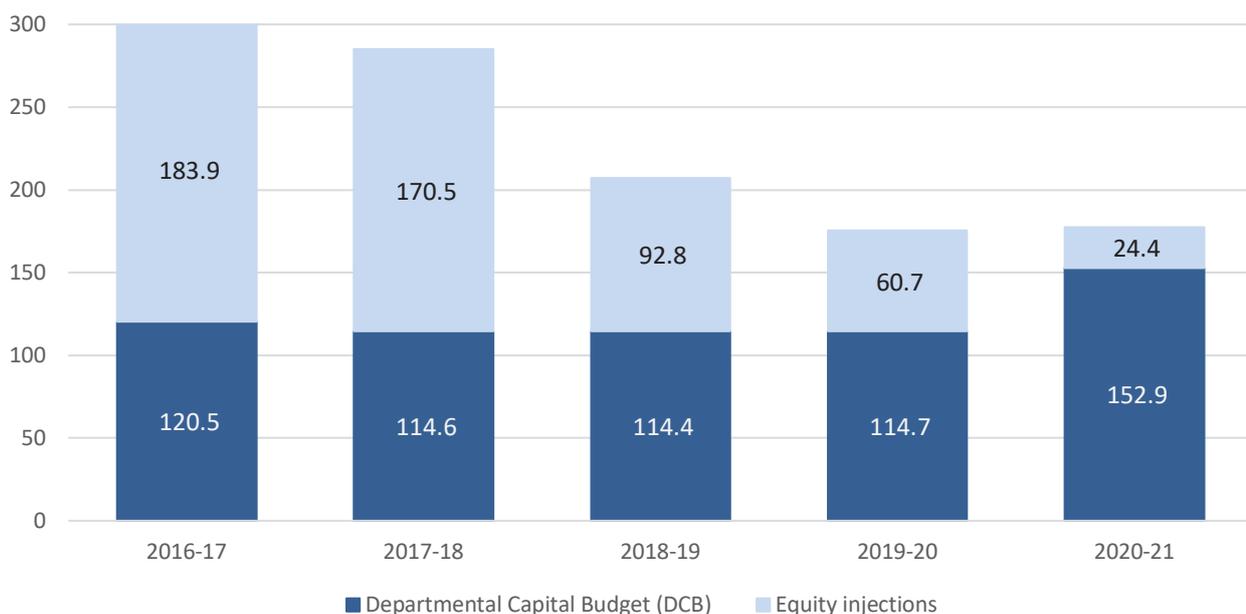
### Departmental Capital

- The Department's departmental capital is summarised in Table A.6 below.

**A.6: Departmental capital as at PBS 2017-18**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL FE
Departmental Capital Budget (DCB)	120.5	114.6	114.4	114.7	152.9	<b>496.7</b>
Equity injections	183.9	170.5	92.8	60.7	24.4	<b>348.4</b>
<b>New capital appropriations</b>	<b>304.4</b>	<b>285.2</b>	<b>207.2</b>	<b>175.4</b>	<b>177.3</b>	<b>845.1</b>
Funded by prior appropriations	- 10.9	15.4	5.9	-	-	<b>21.3</b>
<b>Total funding</b>	<b>293.5</b>	<b>300.6</b>	<b>213.1</b>	<b>175.4</b>	<b>177.3</b>	<b>866.4</b>

**Departmental Capital Appropriations (\$million)**





## Changes to departmental funding since PAES 2016-17

**Table A: Change in funding for departmental expenses since PAES 2016-17**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL
<b>Departmental expenses as at PAES 2016-17</b>	<b>2,390.7</b>	<b>2,263.7</b>	<b>2,131.6</b>	<b>2,095.7</b>	<b>2,066.4</b>	<b>10,948.1</b>
<b>Measures since PAES 2016-17</b>						
Managing Asylum Seekers in RPCs – continuation	-	2.2	-	-	-	2.2
Public Service Modernisation Fund – transformation and innovation	-	-	-	0.7	-	0.7
National Emissions Standards for NRSIEE – cost recovery	-	0.0	0.0	0.0	0.0	0.1
Cape Class Patrol Boats – efficiencies	(2.7)	-	-	-	-	(2.7)
Managing the Intractable Caseload (Resolving the IMA Caseload)	-	3.0	5.6	15.6	14.0	38.2
Managing the IMA Legacy Caseload (Resolving the IMA Caseload)	-	9.0	9.0	9.0	0.8	27.9
Standardisation of Overseas Allowances	-	(0.4)	(1.1)	(1.7)	(2.1)	(5.3)
Skilling Australians Fund Levy – introduction	-	0.3	-	-	-	0.3
Community Support Programme – establishment	-	0.4	0.3	0.3	0.3	1.3
Strengthening Australian Citizenship Arrangements	-	1.4	(3.2)	(3.2)	(3.2)	(8.2)
Commonwealth Redress scheme	-	(2.8)	-	-	-	(2.8)
Increased Biometric Capability (Immigration Reform)	-	2.1	4.2	7.1	8.2	21.5
Market Testing and Initial Development (Immigration Reform)	-	61.1	3.8	(28.4)	(28.1)	8.5
Deferred Implementation of savings (Immigration Reform)	-	20.0	70.0	70.0	(70.0)	90.0
Better targeting skilled visas	-	3.3	(1.3)	(0.3)	(8.1)	(6.4)
<b>Change in funding due to measures</b>	<b>(2.7)</b>	<b>99.5</b>	<b>87.4</b>	<b>69.2</b>	<b>(88.2)</b>	<b>165.2</b>
<b>Other variations since PAES 2016-17</b>						
Visa Variable Funding Model Adjustment	60.7	-	-	-	-	60.7
Parameter Variations	-	2.2	0.0	4.1	0.0	6.4
Superannuation Governance and Administration Reform Adjustment	-	(0.1)	(0.1)	(0.1)	(0.1)	(0.3)
Termination - Reduce funding for visa and migration activities	-	-	-	-	90.0	90.0
<b>Change in funding due to other variations</b>	<b>60.7</b>	<b>2.2</b>	<b>(0.1)</b>	<b>4.1</b>	<b>89.9</b>	<b>156.8</b>
<b>Total change to funding for departmental expenses</b>	<b>58.0</b>	<b>101.7</b>	<b>87.3</b>	<b>73.3</b>	<b>1.8</b>	<b>322.0</b>
<b>Departmental expenses as at the 2017-18 Budget</b>	<b>2,448.7</b>	<b>2,365.4</b>	<b>2,218.9</b>	<b>2,169.0</b>	<b>2,068.2</b>	<b>11,270.1</b>

NOTE: Excludes Section 74 revenue and non-cash expenses depreciation and amortisation

**Table B: Change in funding for departmental capital since PAES 2016-17**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL
<b>Departmental capital as at PAES 2016-17</b>	<b>309.9</b>	<b>248.9</b>	<b>192.1</b>	<b>165.2</b>	<b>170.7</b>	<b>1,086.7</b>
<b>Measures since PAES 2016-17</b>						
National Emissions Standards for NRSIEE – cost recovery	-	0.0	-	-	-	0.0
Skilling Australians Fund Levy – introduction	-	1.0	-	-	-	1.0
Strengthening Australian Citizenship Arrangements	-	1.6	-	-	-	1.6
Increased Biometric Capability (Immigration Reform)	-	5.6	16.1	10.1	6.7	38.4
Market Testing and Initial Development (Immigration Reform)	-	25.0	1.9	-	-	26.9
Better targeting skilled visas	-	5.0	-	-	-	5.0
<b>Change in funding due to measures</b>	<b>-</b>	<b>38.1</b>	<b>18.0</b>	<b>10.1</b>	<b>6.7</b>	<b>72.9</b>
<b>Other variations since PAES 2016-17</b>						
Parameter Variations	-	0.1	-	0.2	-	0.3
MoF – National Border Targeting Centre	(5.2)	5.2	-	-	-	-
MoF - Seamless Traveller Initiative	(11.2)	8.2	3.0	-	-	(0.0)
<b>Change in funding due to other variations</b>	<b>(16.4)</b>	<b>13.5</b>	<b>3.0</b>	<b>0.2</b>	<b>-</b>	<b>0.3</b>
<b>Total change to funding for departmental capital</b>	<b>(16.4)</b>	<b>51.7</b>	<b>21.0</b>	<b>10.3</b>	<b>6.7</b>	<b>73.2</b>
<b>Departmental capital as at the 2017-18 Budget</b>	<b>293.5</b>	<b>300.6</b>	<b>213.1</b>	<b>175.4</b>	<b>177.3</b>	<b>1,159.9</b>

NOTE: Includes Departmental Capital Budget and Equity Injections



## Changes to administered funding since PAES 2016-17

**Table C: Change in funding for administered expenses since PAES 2016-17**

(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL
<b>Administered expenses as at PAES 2016-17</b>	<b>2,250.8</b>	<b>1,059.9</b>	<b>973.7</b>	<b>941.9</b>	<b>965.0</b>	<b>6,191.4</b>
<b>Measures since PAES 2016-17</b>						
Managing Asylum Seekers in RPCs – continuation	-	19.0	-	-	-	<b>19.0</b>
Managing the Intractable Caseload (Resolving the IMA Caseload)	-	(62.6)	(60.0)	(41.4)	(40.4)	<b>(204.5)</b>
Managing the IMA Legacy Caseload (Resolving the IMA Caseload)	-	4.9	22.3	34.1	0.5	<b>61.7</b>
Regional Cooperation Arrangements – continuation	-	52.6	-	-	-	<b>52.6</b>
<b>Change in funding due to measures</b>	<b>-</b>	<b>13.9</b>	<b>(37.7)</b>	<b>(7.4)</b>	<b>(39.9)</b>	<b>(71.1)</b>
<b>Other variations since PAES 2016-17</b>						
Managing Asylum Seekers in RPCs – continuation	-	248.9	-	-	-	<b>248.9</b>
Managing the IMA Legacy Caseload (Resolving the IMA Caseload)	-	44.4	101.3	49.4	12.2	<b>207.3</b>
Managing the Onshore Immigration Detention Network	-	61.2	41.4	41.3	41.2	<b>185.0</b>
MoF - Decommissioning and Removals and returns	(26.6)	26.6	-	-	-	-
MoF - Litigation and Removals and Returns	(117.8)	59.8	19.1	20.6	18.3	-
Parameter Variations	-	(1.2)	1.7	(1.9)	(0.2)	<b>(1.6)</b>
<b>Change in funding due to other variations</b>	<b>(144.4)</b>	<b>439.7</b>	<b>163.5</b>	<b>109.5</b>	<b>71.4</b>	<b>639.7</b>
<b>Total change to funding for administered expenses</b>	<b>(144.4)</b>	<b>453.6</b>	<b>125.9</b>	<b>102.1</b>	<b>31.4</b>	<b>568.7</b>
<b>Administered expenses as at the 2017-18 Budget</b>	<b>2,106.4</b>	<b>1,513.5</b>	<b>1,099.6</b>	<b>1,044.0</b>	<b>996.4</b>	<b>6,760.1</b>

NOTE: Excludes depreciation and amortisation

**Table D: Change in funding for administered capital since PAES 2016-17**

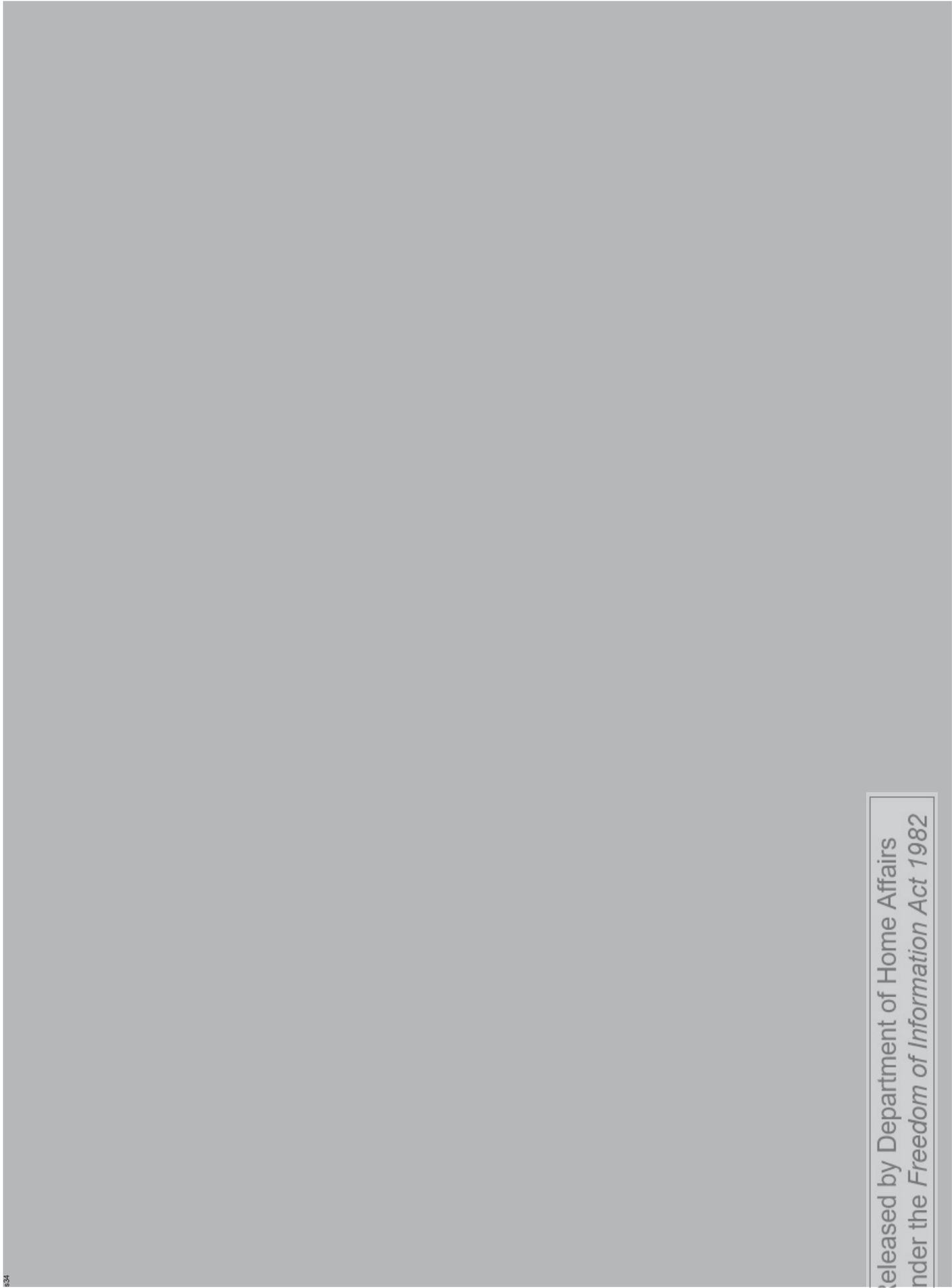
(\$'million)	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL
<b>Administered capital as at PAES 2016-17</b>	<b>186.1</b>	<b>24.8</b>	<b>19.7</b>	<b>20.1</b>	<b>20.5</b>	<b>271.3</b>
<b>Measures since PAES 2016-17</b>						
<b>Change in funding due to measures</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Other variations since PAES 2016-17</b>						
Parameter Variations	-	0.0	-	0.0	-	<b>0.1</b>
<b>Change in funding due to other variations</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.1</b>
<b>Total change to funding for administered capital</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.1</b>
<b>Administered capital as at the 2017-18 Budget</b>	<b>186.1</b>	<b>24.9</b>	<b>19.7</b>	<b>20.2</b>	<b>20.5</b>	<b>271.4</b>

NOTE: Includes Administered Capital Budget and Equity Injections

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

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

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



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



**Australian Government**  
**Department of Home Affairs**

# INFORMATION AND COMMUNICATIONS TECHNOLOGY OVERVIEW

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

## Key Issues

### Introduction

- The Department of Immigration and Border Protection (DIBP), “the Department”, makes extensive use of Information and Communications Technology (ICT) to support its business operations. These operations are undertaken 24 hours a day 7 days a week, in 84 locations in each state and territory, and 50 locations worldwide.
- Growth and increased demand in all business domains will continue to heighten the Departments reliance on technology to meet service levels and commitments. For example, in the last month the current Integrated Cargo System (ICS) has seen unprecedented levels of transactions in the lead-up to the Christmas season as the use of online shopping increases.
- ICT Division is responsible for delivering all new ICT capabilities to the Department. The Division is also responsible for maintaining the health of all existing business systems and infrastructure, managing any ICT incidents that arise and ensuring that ICT strategies and architectural practices support existing and future Portfolio and whole-of-government needs.

### Current Context

- ICT Division is continuing to progress the rationalisation of the legacy Customs and Immigration ICT environments. Significant progress has been made towards this goal with over 85% of staff in the Department already migrated on to an integrated desktop environment, the remaining staff will be migrated by April 2018. As part of this rationalisation, the Department has reduced the number of applications from 1,255 to 555. These legacy applications and infrastructure will be progressively rationalised and decommissioned in accordance with the Departments Technology Strategy 2020.

### Transition to Home Affairs

- Despite the progress already made in integration, the current highly integrated ICT infrastructure suite presents a high level of technical debt that will carry forward into the new Department of Home Affairs. Sustaining the systems from the legacy Customs and Immigration ICT environments is increasingly difficult and costly as these legacy systems age. The integration of an additional suite of systems from the agencies transitioning into the Department of Home Affairs will exacerbate the existing level of technical debt. Investment will be required to rationalise or replace these systems and ensure that ICT Division has the staff, skills and capacity to effectively operate the transitioning capabilities in the Home Affairs context.
- The transition to Home Affairs requires ICT Division to take on the responsibility of an additional thirteen systems from the Attorney Generals Department (AGD) including Australian Secure Network (ASNet) and AusCheck which provides checking services for the Aviation Security Identification Card (ASIC), Maritime Security Identification Card (MSIC) and the National Health Security (NHS) check schemes. ICT Division is also taking on responsibility for seven systems from the Department of Infrastructure and Regional Development (DIRD) that support the operations of the Office of Transport Security (OTS) including the Regulatory Management System (RMS) that supports security screening at Australia’s domestic airports.
- Maintaining these systems and inflight projects that provide core national security functions as they transition presents challenges and risks. ICT Division is undertaking a due diligence activity with the transitioning agencies to minimise the risks, although the possibility remains that loss of staff and skills in the transition may impact the Department’s ability to operate the transitioned systems and deliver projects that are already in-flight.

## Background

- The Department's current ICT environment is considerably complex and will become more complex with the introduction of additional systems to form the Department of Home Affairs. Currently:
  - DIBP has a presence in 270 locations, including; Container Examination Facilities, airports, detention centres, sea ports, cruise ship terminals, transit accommodation, state headquarters, dog detector units, mail examination facilities and vessels;
  - We also support ICT equipment in approximately 70 offshore locations and 40 remote sites;
  - We manage over 19,600 desktops, 7800 laptops, and 773 4mobile devices;
  - We have commissioned 71 Arrivals Gates, 86 Departures gates and 105 Arrivals Kiosks in airport locations across the country;
  - We maintain more than 500 business applications and supporting systems;
  - We manage more than 750 databases; and
  - There are more than 5000 servers, hosted across 150 regional server rooms and six data centres.

### Contact Details

Name: Anthony Warnock, Acting Chief Information Officer

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# OFFSHORE OPERATING MODEL

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

## Key Issues

- As at 8 December 2017, agencies in the Home Affairs Portfolio have a total of 411 full time equivalent (FTE) A-based positions offshore on long-term postings. Of these, 148 positions will sit in the Department of Home Affairs with the remaining positions attributable to the Portfolio's operational agencies.
- The Home Affairs Portfolio Offshore Operating Model (OOM) will be based initially on the existing Department of Immigration and Border Protection (DIBP) eight region structure: Americas; Europe and Africa; Mekong; Middle East; North Asia; Pacific; South Asia; and South East Asia.
- Upon establishment, existing DIBP Regional Directors (Senior Executive Service Band 1) will be reclassified as Minister-Counsellors Home Affairs, and will exercise management responsibility and accountability for those overseas positions which fall under the Department of Home Affairs and the Australian Border Force.
  - However, officers will continue to be tasked and supported by relevant business areas in Canberra.
  - A limited number of overseas positions from the Attorney-General's Department and the Office of Transport Security will be transferred to the Department of Home Affairs.
- All Portfolio agencies are expected to keep the Minister-Counsellor Home Affairs in their region informed of any activities and liaison relevant to Home Affairs Portfolio priorities.
- All agencies joining the Portfolio have been consulted on the OOM and the Portfolio's offshore footprint.

## Background

- After the ACBPS and DIBP integration in 2015, an International Footprint Review was conducted to consider how the new Department could optimise its integrated overseas network by having the right people, in the right place, with the right support.
- An interim review of the Home Affairs Portfolio OOM will commence in early 2018 and a final review will occur at the end of the first year of operation. Both will involve representatives from across the Portfolio and will aim to identify:
  - an agreed international region structure for the Portfolio;
  - management and financial delegations;
  - areas of duplication; and
  - gaps and opportunities.

### Contact Details

Name: Lachlan Colquhoun, First Assistant Secretary International

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  

---

**Department of Home Affairs**

# **INTERNATIONAL CAPACITY BUILDING**

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

## Key Issues

- The Department administers the International Capacity Building Program (the Program) which funds activities designed to strengthen cooperation with foreign counterpart agencies. The Program has supported the Department to secure new information and intelligence sharing agreements and improve the border management capabilities of partner countries.
- A key activity funded by the Program is the International Border Cooperation Program (IBCP), which delivers a range of technical skills development activities aimed at enhancing the border management and security capacity of foreign counterpart agencies.
- The Program is expected to expand in 2018 to include the capacity building activities provided by the agencies that will join the Department of Home Affairs.

## Background

- Over the financial years 2017-21, the Department will receive AUD112.64 million to administer the Program. Key objectives of the Program are to:
  - stabilise irregular migrant populations in source and transit countries;
  - enhance the capability of counterpart agencies to combat transnational crime, including people smuggling, terrorism, and the movement of illicit substances and goods; and
  - strengthen international border management processes and systems.
- Around AUD1.5 million is allocated to the IBCP each year. The 2017-18 IBCP plans to deliver up to 52 technical skills training activities to 43 countries globally for the following disciplines: document examination, intelligence analysis, facial image comparison, border force investigations (conducting investigations), counter-terrorism and foreign terrorist fighter, border management (strategic trades control), vessel search, x-ray image analysis, small craft intelligence targeting and passenger assessment targeting.

### Contact Details

Name: Lachlan Colquhoun, First Assistant Secretary International

Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# **ABF: PORTFOLIO AGENCY OVERVIEW**

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

## Overview

### Purpose and role

- Following the Prime Minister's announcement on 18 July 2017 to establish a new Department of Home Affairs and Home Affairs Portfolio, the ABF will continue to be one of the frontline operational agencies for this new portfolio.
- Currently, the ABF is the operational enforcement arm of the Department of Immigration and Border Protection (the Department). Established on 1 July 2015, the ABF brought together existing immigration and customs operational border functions.
- The *Australian Border Force Act 2015* establishes the role of the ABF Commissioner and enables the operation of the ABF within the Department.
- The ABF Commissioner leads the ABF and is responsible for managing operations and reporting directly to the Minister for Immigration and Border Protection on all operational matters.
- The ABF's core functions are to target and prevent border-related criminality and to detect and deter unlawful movement of goods and people across the border, while fostering legitimate travel and trade. It also provides an important support role in regional processing and is the lead in civil maritime activities.
  - The ABF monitors compliance, conducts enforcement, detention and removal activity and undertakes investigations across the Australian border continuum, on land, sea and in air domains.
  - The ABF employs officers that serve beyond Australia's borders, working in operational roles with regional and international partners to promote Australia's civil maritime security interests, prevent and deter illegal arrivals and the movement of prohibited goods.

s47E(d)



- The ABF's Headquarters is located in Canberra and it has a permanent presence in all States and Territories.

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

- The ABF comprises an Operations Group and a Support Group. The Operations and Support Groups work closely to deliver a framework of management, operational policy and support required to effectively deliver border operations.

Support Group	Operations Group
Border Force Capability	Detention and Offshore Ops Command
Border Management	Enforcement Command
Children Community & Settlement Services	Operation Sovereign Borders Joint Agency Taskforce
Detention Services	Strategic Border Command
Health Services and Policy	

- The ABF is the second largest revenue collector for the Australian Government. See table below:

Data – Revenue collection	
Annual revenue (16-17)	\$21.5 billion
Other penalties/fines/prosecutions	\$3.2 million
customs duty	\$14.3 billion
GST	\$3.7 billion

s47E(d)



Contact Details
Name: Michael Outram, Acting Commissioner ABF
Phone: 02 <span style="background-color: grey; color: grey;">s22(1)(a)(i)</span>

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



**Australian Government**  
**Department of Home Affairs**

# ACIC: PORTFOLIO AGENCY OVERVIEW

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

## Key Issues

### ACIC – Agency Overview

- The Australian Criminal Intelligence Commission (ACIC) began operating on 1 July 2016. The new agency was formed through the merge of the Australian Crime Commission (ACC) and CrimTrac to strengthen Australia's ability to combat the unprecedented national security threat and stop criminals exploiting emerging opportunities and perceived gaps in law enforcement information.
- The ACIC's purpose is to make Australia safer through improved national ability to discover, understand and respond to current and emerging crime threats and criminal justice issues, including the ability to connect police and law enforcement to essential criminal intelligence, policing knowledge and information through collaborative national information systems and services
- The ACIC harnesses the collective power of state, territory and Commonwealth law enforcement agencies to achieve its mission to discover, understand and respond to current and emerging crime threats.
- The ACIC works in collaboration with international networks and has deployed ACIC officers to countries of strategic importance in its efforts to counteract serious and organised crime threatening Australia.
- The specialist capabilities of the ACIC include;
  - National criminal intelligence data holdings - The ACIC collect criminal intelligence and combines it with information and intelligence from partner agencies to create and share a comprehensive national picture of criminality in Australia.
  - National information and intelligence sharing services and systems – The ACIC provides timely and reliable police and law enforcement information services and, through consultation and collaboration, we develop new and innovative
  - Coercive powers – The ACIC has coercive powers similar to a Royal Commission, are used in special operations and special investigations to obtain information where traditional law enforcement methods are unlikely to be or not have been effective.
  - Strategic products – The ACIC's strategic intelligence products build a compressive picture of criminality in Australia to support our partners in decision making, strategic targeting and policy development.
  - The National target management framework guides law enforcement in establishing and sharing organised crime priorities and targets. This supports nationally coordinated operational strategies for dealing with multi-jurisdictional and transnational serious and organised crime investigations.
  - Legislative framework allowing appropriate data sharing – by sharing intelligence information, resources and expertise with out partners, and with private industry where permitted and appropriate, the ACIC maximises the collective impact against crime.
  - Specialist technology and skills – The ACIC work is underpinned by sophisticated and tailored intelligence gathering and analysis capabilities.
- The ACIC connects police and law enforcement agencies to criminal intelligence and policing information through national information systems and service – including the design of the National Criminal Intelligence System intended to connect the criminal information and intelligence holdings of Australia's law enforcement agencies and criminal intelligence community.

## Information and Intelligence Sharing

- The ACIC is uniquely placed as a conduit for criminal intelligence and information across Australia across volume crime, serious and organised crime and national security matters. No other agency is positioned to fulfil this mandate. By using the specialist capabilities and systems at its disposal, such as coercive powers, the ACIC supports law enforcement results that would otherwise not be possible by any agency acting alone.
- As the national information sharing service for Australian law enforcement, the ACIC is responsible for a number of systems including those for sharing biometrics, fingerprints, DNA, police reference data and information about registered sex offenders, cybercrime and firearms. The ACIC also delivers services to all Australian police agencies and accredited bodies to deliver criminal history check services. Being positioned within the Home Affairs Portfolio enables the ACIC to work closer than ever before with partners to facilitate the exchange of information.

## National Criminal Intelligence System

- NCIS will be an information sharing platform for Australia's criminal intelligence and information holdings. NCIS will address the current information sharing issues and offer enhanced analytical and collaboration services.
- NCIS will provide partners with:
  - National View Capability – a unified view of data from ACIC and law enforcement partners.
  - Collaboration and De-confliction – a platform that enables law enforcement partners (nationally and internationally) to improve their ability to work together across jurisdictions and agencies on common outcomes.
  - Analytic Platforms – the latest data science and big data platforms that facilitate the development of complex analytics.
  - Data Access – secure access to more comprehensive and extended national criminal intelligence and policing information data holdings.
  - Partner Integration – assistance to integrate and connect with NCIS to efficiently share and utilise national data.

s47C

## Biometric Capabilities

- ACIC is in the process of delivering the Biometric Identification Services (BIS) capability to replace the existing National Automated Fingerprint Identification System (NAFIS) and enhance law enforcement's biometric capabilities with the delivery of a national facial recognition solution.
- The BIS solution will provide police agencies with an improved tool that will contribute to the effectiveness of operational policing; improve safety of front line police and enhance community safety and security.
- BIS directly supports the effectiveness of operational policing, improves the safety of front line police and enhances community safety and security. Key features include:
  - National identification capability using fingerprints, palm prints, foot prints and facial recognition
  - Person identity and evidence image case management
  - Image enhancement tools and record auditing
  - Matching services of one to one, one to few, one to many, and many to many, as well as photobook, photo line-up and witness viewing services.

## Future of Policing Systems

- The ACIC's mission is to make Australia safer through improved national ability to discover, understand and respond to current and emerging crime threats and criminal justice issues, including the ability to connect police and law enforcement to essential policing knowledge and information.
- The existing national policing information systems have been developed overtime as siloed repositories. Currently, law enforcement and intelligence agencies use separate systems to identify threats to the community and frontline officers. These threats know no borders and are becoming more complex across the spectrum of serious, organised and broader crime at a state, national and global level. Law enforcement and intelligence agencies have not been able to adapt to the changing social and technical environment at the same rate as criminals.
- In recent times, there have been a number instances of harm — or death — to members of the community and frontline law enforcement personnel where critical information, which could have provided understanding of the threat or risk, was unavailable, despite existing on one of Australia's many disparate law enforcement and intelligence systems.
- To address these issues ACIC has commenced the development of the National Policing Information Hub (NPIH). NPIH will, in the first instance, provide a capability to master information about individuals of interest and domestic violence orders. In the future, the function of NPIH is expected to evolve to include firearms, vehicles, organisations, locations and events.
- Over time, the function of NPIH will expand outwards through connectivity with other ACIC functions including the National Policing Checking Service (NPCS), Biometric Identification Services (BIS), NCIS and watch lists, among others.
- The most critical outcome for NPIH will be the ability to connect policing information coming from different partners. The master records within NPIH will link the data holdings of each jurisdiction to provide a single, unified view of a person's involvements with any of Australia's law enforcement and community safety participants.
- The Initial Operating Capability for NPIH will be deployed into production in December 2018.

s47C



s47C



### Serious and Organised Crime Operations

- The ACIC is conducting multiple transnational organised crime investigative activity targeting money laundering, drug importation and firearms trafficking.
- Investigative activity is prioritised based upon targets included in the Australian Priority Organisation Target (APOT) list.
- The APOT aims to improve Australian law enforcement and international partner understanding of, and efforts against those offshore criminal organisations that pose the greatest threat to Australia's interests.
- Strong alignment with Five Eyes Law Enforcement Group agreed priority targets, enabling leveraging of significant global resources of Five Eyes partners.

## Background

### AIC – Agency Overview

- The Australian Institute of Criminology objectives is to inform crime and justice policy and practice in Australia by undertaking, funding and disseminating policy-relevant research of national significance. It undertakes its functions as set out in the *Criminology Research Act 1971*.
- The ACIC supports and collaborates closely with the staff of the Australian Institute of Criminology. The Chief Executive Officer of the ACIC is also the Director of the AIC, and AIC staff have transferred to the ACIC under a Machinery of Government process and seconded back to the AIC, to ensure criminological research and evidence remains central to law enforcement's collective response to crime.

### AIC – Supporting Social Cohesion

- Through its research program, the Australian Institute of Criminology (AIC) is currently engaged in research with a range of partners to help build social cohesion. This includes an active program of evaluation studies that include evaluating:
  - The Countering Violent Extremism Centre's 'Living Safe Together Intervention Program'
  - The impact of Restorative Justice in the ACT
  - Child protection programs in NSW
  - A domestic violence perpetrator program in the Kimberley
- In addition to these evaluations, the AIC is currently involved in many studies that involve a range of methodologies. Among others, these include studies on:
  - Domestic and family violence
  - Missing persons
  - Forced marriage
  - Profiling child exploitation material offenders
  - Public sex offender registries
  - Youth offending
- Through the Australian Crime and Violence Prevention Awards, the AIC promotes examples of good crime prevention projects undertaken in the community. This year, 11 projects received awards, four of which were police led and seven community led. Community led projects addressed issues such as youth crime, supporting the children of prisoners, driver education and violence in the night-time economy.

#### Contact Details

Name: Michael Phelan APM, Chief Executive Officer ACIC

Phone: 02 s22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# AFP: PORTFOLIO AGENCY OVERVIEW

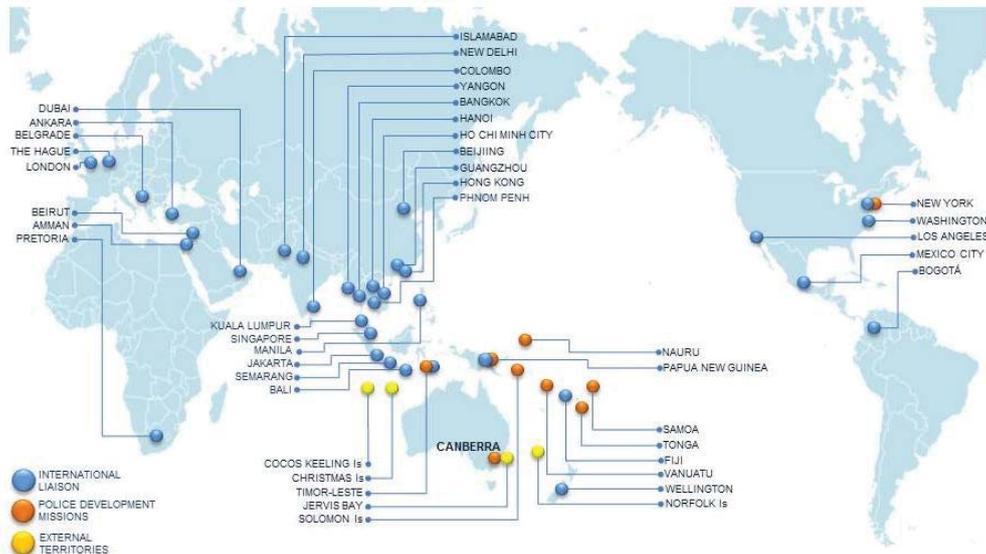
Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

## Key Issues

- The AFP is Australia's national policing agency. As the agency responsible for leading policing efforts to keep Australians and Australian interests safe, both at home and overseas, we are a key member of the Australian law enforcement and national security community, and the chief source of advice to the Australian Government on policing issues.
- The AFP's role is to enforce Commonwealth criminal law, contribute to combating complex, transnational serious and organised crime impacting Australia's national security and to protect Commonwealth interests from criminal activity in Australia and overseas.
- Two Outcomes are identified for the AFP under The Portfolio Budget Statement:
  - **Outcome One:** Reduced criminal and security threats to Australia's collective economic and societal interests through cooperative policing services.
  - **Outcome Two:** A safe and secure environment through policing activities on behalf of the Australian Capital Territory Government.
- The Australian Government and community have significant expectations of the AFP to protect Australians and Australian national interests. The AFP meets those expectations and works to keep Australian communities safe by working with state and territory law enforcement partners, focusing on operations, capacity and capability:
  - National Policing: Focused on Commonwealth offences, combat complex, transnational, organised crime and terrorism.
  - International Operations: Disrupt crime offshore and support global security and regional stability as Australia's principal international law enforcement representative. The AFP has a presence in 33 countries, demonstrated in the map below.
  - Protection: Protect Australian high-office holders, foreign dignitaries, Australian Government infrastructure and designated international airports.
  - Community Policing: Provide policing services to the Australian Capital Territory, Jervis Bay and Australia's external territories.



# AFP INTERNATIONAL OPERATIONS LOCATIONS



Current September 2017

- These core responsibilities are underpinned by a series of specialist policing capabilities including digital and physical surveillance, covert capability, forensics and intelligence services, specialist response, criminal asset litigation and victim support.
- The AFP's vision is **Policing for a Safer Australia**. As Australia's national policing agency, we protect Australians and Australia's interests, and through leadership, collaboration and innovation, we:
  - adapt by being intelligence-informed
  - build partnerships in Australia and abroad
  - drive Australia's international policing interests to combat crime
  - develop leading-edge policing capabilities and knowledge
- AFP's functions are listed in Section 8 of the Australian Federal Police Act 1979 (the Act), include responsibilities under the Witness Protection Act 1994 and the Proceeds of Crime Act 2002, and are also informed by an associated Ministerial Direction articulated under subsection 37(2) of the AFP Act.
- As of 30 June 2017, the AFP has 6540 staff, consisting of 3383 police officers, 716 protective service officers and 2441 professional staff. The AFP's total budget for the 2016-17 financial year was \$1,406,772,000.

### Contact Details

Name: Andrew Colvin APM OAM, Commissioner of the Australian Federal Police

Phone: 02 §22(1)(a)(ii)



**Australian Government**  
**Department of Home Affairs**

# ASIO: PORTFOLIO AGENCY OVERVIEW

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

# Overview

## Purpose and role

- ASIO is Australia's national security intelligence service. Our purpose is to **protect Australia, its people and its interests from threats to security through intelligence collection and assessment, and the provision of advice to the Australian Government, government agencies and industry.**
- Our functions are set out in the *Australian Security Intelligence Organisation Act 1979* (ASIO Act). Importantly, 'security' is defined as the protection of Australia and its citizens from:
  - espionage;
  - sabotage;
  - politically motivated violence;
  - the promotion of communal violence;
  - attacks on Australia's defence systems;
  - acts of foreign interference; and
  - serious threats to Australia's territorial and border integrity.

This definition also includes the carrying out of Australia's obligations to any foreign country in relation to the above matters.

- Our current four strategic priorities are:
  - counter terrorism;
  - counter espionage, foreign interference and malicious insiders;
  - counter serious threats to Australia's border integrity; and
  - provide protective security advice to government and industry.

An infographic is at **Attachment A**.

- Our work is anticipatory. We seek to identify, investigate and assess potential security threats and to work with national and international security partners to prevent harm from occurring.
- We harness our expertise in security, unique intelligence collection capabilities, strong national and international partnerships, and all-source intelligence analysis capabilities to provide trusted, actionable advice for our stakeholders.
- In working to meet our purpose, we must operate in a manner that is consistent with our values of excellence, integrity, respect, cooperation and accountability. These five values incorporate our firm commitment to operate lawfully, in proportion to threats we are investigating and in line with the standards and expectations of the Australian community. This commitment is deeply ingrained in ASIO's 'DNA'.
- A comprehensive oversight and accountability framework, comprising legislation and ministerial, parliamentary and independent oversight provides assurance that we will continue to meet our commitment.

## Organisational Structure and staff

- ASIO is led by the Director-General of Security (biography at **Attachment B**) and is supported by three publicly declared Deputy Directors-General.
- Organisationally, there are three overarching groups:
  - Strategy (headed by Dr Wendy Southern);
  - Counter-Espionage and Interference & Capabilities (headed by Mr Peter Vickery); and
  - Counter-Terrorism (headed by Ms Heather Cook).
- Within these groups are a number of Divisions. The organisational chart is at **Attachment C**.
- There are around 1930 ASIO Officers (full-time equivalent of around 1794). Other than those officers mentioned above, ASIO's workforce is undeclared – that is the identities of ASIO officers are not made public, and are the subject of legislative protection in accordance with section 92 of the ASIO Act.

## Attachments

**Attachment A:** Infographic: What we do and how we do it

**Attachment B:** Director-General of Security – biography

**Attachment C:** Unclassified Organisational Chart

### Contact Details

Name: Duncan Lewis AO, DSC, CSC, Director-General of Security ASIO

Phone: ASIO's Government Relations line - 02<sup>s22(1)(a)(ii)</sup> (business hours)

ASIO exists to protect Australia, its people and its interests from threats to security

What we do



Counterterrorism



Counter espionage, foreign interference and malicious insiders



Counter serious threats to Australia's border integrity



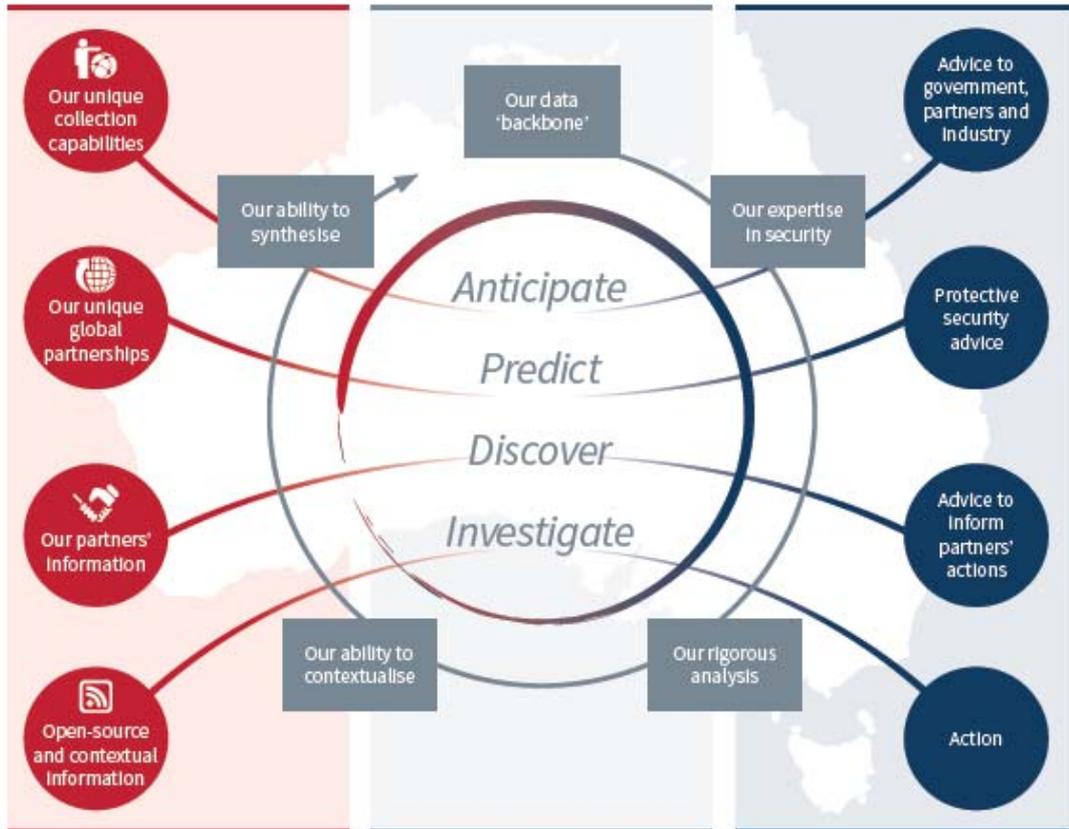
Provide protective security advice to government and industry

How we do it

1 Harness our unique intelligence capabilities, partnerships and partner information

2 Apply rigorous data-driven analysis contextualised with our deep subject matter expertise

3 Anticipate threats and produce trusted and actionable advice to protect Australia



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



## Duncan Lewis AO, DSC, CSC

Duncan joined the Australian Army after schooling in Western Australia, and graduated from the Royal Military College Duntroon, in 1975. A career in the military, spanning 33 years, followed. Duncan commanded at all levels, including command of the Special Air Service Regiment. He served with the United Nations during the 1982 Lebanon War and on operations in East Timor. His last military appointment was as a Major General, Special Operations Commander Australia, where his forces were engaged in operations in Iraq and Afghanistan.

In 2005, Duncan joined the Australian Public Service. His initial appointment was as First Assistant Secretary of the National Security Division within the Department of the Prime Minister and Cabinet. Later that year, he was promoted to Deputy Secretary and in 2008 he was appointed as an Associate Secretary, where he led the National Security and International Policy Group and contributed to the Department's broader leadership team as a member of its executive.

From December 2008, Duncan served as Australia's inaugural National Security Adviser. Duncan was the Prime Minister's principal source of advice on all national security matters. He had responsibility for the strategic leadership of the national security community, as well as the coordination of national security policy development and crisis response. During this period he chaired the National Intelligence Coordination Committee.

In 2011, building on almost four decades of experience in the defence and national security communities, Duncan was appointed Secretary of the Department of Defence.

Late in 2012, Duncan was appointed Ambassador to Belgium, Luxembourg, the European Union and NATO. On 15 September 2014, Duncan was appointed Director-General of Security and head of the Australian Security Intelligence Organisation.

Duncan was awarded Officer of the Order of Australia in 2005, for his service as the inaugural Special Operations Commander Australia.

He holds a Bachelor of Arts degree from the University of NSW and a Graduate Diploma in Defence Studies and Management, from Deakin University. He is a graduate of the British Army Staff College and the United States Army War College. He is fluent in Indonesian.



**Duncan Lewis**  
DIRECTOR-GENERAL  
OF SECURITY

Deputy Director-General STRATEGY		Deputy Director-General COUNTER-ESPIONAGE AND INTERFERENCE & CAPABILITIES				Deputy Director-General COUNTER-TERRORISM					
<b>First Assistant Director-General</b>											
State Manager NSW North	Executive	State Manager Vic South	Corporate and Security	Office of Legal Counsel	Technical Capabilities	Operational Capabilities and Training	Information	Counter-Espionage and Interference	Counter-Terrorism	Security Advice and Assessments	Centre for Counter-Terrorism Coordination
<b>Assistant Director-General</b>											
Office of the Senior Executive		Internal Security	Assessments, Corporate Law and Capability Protection	Data and Technical Analysis	Physical Surveillance	IT Infrastructure Services	CEI Operations	Counter-Terrorism Coordination	National Threat Assessment Centre		Centre for Counter-Terrorism Coordination
Strategic Partnerships and Production		Financial Management	Operations Law	Telecommunications Operations	Operations Services	Business Information Systems	CEI Investigations 1	Counter-Terrorism Investigations 1	Border Investigations and Assessments		
ASIO2020		Human Resources	Litigation	Computer Operations	Training	Information Services	CEI Investigations 2	Counter-Terrorism Investigations 2	Intelligence Discovery Investigations and Assessments		
		Property		Close Access Operations		ICT New Policy Proposals	CEI Assessments				
				Strategy and Performance			Defence and Engagement				

PROTECTED

PROTECTED



**Australian Government**  
**Department of Home Affairs**

# AUSTRAC: PORTFOLIO AGENCY OVERVIEW

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

# Australian Transaction Reports and Analysis Centre (AUSTRAC)

## AUSTRAC Part A – 2018-19 Budget

### 1) Proposals with authority to come back to the 2018-19 Budget

As of 23 August 2017, AUSTRAC is not in a position to provide proposals with authority for budget years 2018-19, 2019-20, 2020-21 and 2021-22.

#### Estimated costs

2018-19 \$m	2019-20 \$m	2020-21 \$m	2021-22 \$m	Total \$m
TBD	TBD	TBD	TBD	TBD

#### ASL impacts

2018-19	2019-20	2020-21	2021-22
TBD	TBD	TBD	TBD

### 2) Proposals the agency intends to seek authority to proceed to the 2018-19 Budget

#### Estimated costs

2018-19 \$m	2019-20 \$m	2020-21 \$m	2021-22 \$m	Total \$m
TBD	TBD	TBD	TBD	TBD

#### ASL impacts

2018-19	2019-20	2020-21	2021-22
TBD	TBD	TBD	TBD

s47C



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

s47C

- 
- 

AUSTRAC Part B – Legislative bids

Issue	Timeframe	Status	Comments/additional information
<b>Anti-Money Laundering and Counter Terrorism Financing Amendment Bill (phase 1)</b>	Ongoing	Tabled to Parliament 17 August 2017	On 29 April 2016, the Minister for Justice released the Report on the Statutory Review of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and Associated Rules and Regulations. The report contains 84 recommendations to streamline and strengthen Australia's Anti-Money Laundering and Counter Terrorism Financing regime. Phase 1 specifically deals with two proposals, including the regulation of digital currencies and deregulation reforms.
<b>Anti-Money Laundering and Counter Terrorism Financing Amendment Bill (phase 1.5)</b>	Due by Autumn 2018	Draft to be developed by AGD	The proposed legislative reform package will address matters which were initially to be included in Phase 1, but because of the complexity, deferred. The reforms will include the holistic revision of Part 11 (Secrecy and Access) which governs the use and dissemination of AUSTRAC financial intelligence; opportunities to strengthen and streamline the registration of remittance providers; enhance the operation of customer due diligence obligations (reliance); and enhance and simplify the cross-border reporting regime.
<b>Regulatory Powers Bill</b>	Due before Parliament	Draft with AGD	The Regulatory Powers Bill will look at amending the Anti-Money Laundering and Counter Terrorism Financing Act to include powers set

s47C

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

Issue	Timeframe	Status	Comments/additional information
	in winter 2018		out in the Regulatory Powers (Standard Provisions) Act 2014, including providing AUSTRAC an additional power to issue infringement notices.
<b>Seamless Travellers Reform project</b>	2017	Reforms are currently before Parliament in an omnibus Bill introduced in 2016.	The AUSTRAC contribution to this reform relates to the collection of incoming and outgoing passenger currency declaration reports. Refer to the Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Bill 2016.

### AUSTRAC Part C – Calendar of events

Event	Date	Location	Key stakeholders/ invitees	Comments
<b>Counter-terrorism Financing Summit</b>	20-23 November 2017	Kuala Lumpur, Malaysia	Minister Dutton Minister Keenan Minister Datuk Sri Dr Zahid Hamidi, Deputy Prime Minister Malaysia Indonesian Minister Wiranto, Coordinating Ministry for Political, Law and Security Affairs Governor Bank Negara Malaysia, Datuk Muhammad bin Ibrahim	Co-hosted by AUSTRAC, Indonesia's Pusat Pelaporan Dan Analisis Transaksi Keuangan (PPATK) and Malaysia's Bank Negara Malaysia.  Final attendee list of foreign dignitaries is subject to change.  Keynote speakers from law enforcement, intelligence and security agencies, academia, government, financial and technology sectors across SEA will lead presentations during the summit.
<b>Pacific Corridors Risk Assessment</b>	Late 2017	Sydney, Australia	Minister Dutton Minister Keenan Possible political representation from New Zealand, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.	Launch of AUSTRAC-led Pacific Corridors Risk Assessment.  Final attendee list of foreign dignitaries is subject to change.

Event	Date	Location	Key stakeholders/ invitees	Comments
<b>Egmont Plenary Meeting</b>	August 2018	Sydney, Australia	Minister Dutton Minister Keenan International representation TBD	Annual Egmont Plenary Meeting, hosted by Australia for the first time. Final attendee list of foreign dignitaries is subject to change.
<b>Counter-terrorism Financing Summit</b>	August, September or October 2018	Either Manila, Philippines or Sydney, Australia	Minister Dutton Minister Keenan	Either co-hosted by AUSTRAC, Indonesian PPATK and Philippines Anti-Money Laundering Council in Manila, or jointly co-hosted by AUSTRAC and the Indonesian PPATK in Sydney.

Contact Details
Name: Nicole Rose PSM, Chief Executive Officer AUSTRAC
Phone: Phone 02 <span style="background-color: #cccccc;">§22(1)(a)(ii)</span>

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



**Australian Government**  
**Department of Home Affairs**

# MULTICULTURAL AFFAIRS

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

## Key Issues

- Your engagement with ethnic communities, including meetings and attendance at community events is supported by the Department, through
  - <sup>s33(a)(iii), s47E(d)</sup> [Redacted]
  - briefs for meetings or events, including speeches. Around a third of events are attended on behalf of the Prime Minister and delegated from his Office.
  
- Your attendance is likely to be sought at major forthcoming community events to mark Lunar/Chinese New Year (16 February, Year of the Dog) with functions held within four weeks of this date, on either side. <sup>s33(a)(iii), s47E(d)</sup> [Redacted]
  
- The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse communities. It has received ongoing base funding from the Australian Government since 1981, currently \$420,000 (in 2017-18) towards a work plan. <sup>s33(a)(iii), s47E(d)</sup> [Redacted]
  
- Harmony Day was initiated by the Howard Government in 1996 and has been endorsed as a keystone of anti-racism/social cohesion strategy since then. Held on 21 March each year, it is a day to celebrate cultural diversity across Australia with the message of 'everyone belongs'
  - It is recommended this be kept low key for 2018 and develop from 2019. Your Office will be briefed closer to the date about media and engagement opportunities.
  
- Other issues requiring early Ministerial consideration, about which you will be briefed separately, include
  - Determining future multicultural advisory arrangements following the end of the Australian Multicultural Council's term on 15 December 2017.
  - Finalising the Government's response to the August 2017 Senate Select Committee Report on Strengthening Multiculturalism.

## Attachments

### Attachment A – Additional background

Contact Details
Name: David Wilden, First Assistant Secretary, Immigration and Citizenship Policy
Phone: (02) <sup>s. 22(1)(a)(ii)</sup> [Redacted]

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

## Background

### Multicultural Statement/Policy

- The Government's current multicultural statement '*Multicultural Australia: United, Strong, Successful*' was launched on 20 March 2017 by Prime Minister Malcolm Turnbull and then Assistant Minister for Multicultural Affairs, Senator the Hon Zed Seselja.
- The statement reaffirms the Government's commitment to multicultural Australia and focuses on three strategic directions to guide programs and policies for the coming years:
  - Encouraging economic and social participation of new arrivals
  - Harnessing the advantages of our diversity and shared national interest
  - Continuing to build harmonious and socially cohesive communities.
- There are no funded initiatives attached to the current policy statement, which does not have a notional end date.

### Multicultural Access and Equity

- The Multicultural Access and Equity Policy is a stand-alone policy that complements but operates independently of the multicultural statement. It aims to ensure that Australian Government programs and services meet the needs of all Australians, whatever their cultural and linguistic background.
- A report on Australian Government agencies' performance against the Policy is currently being developed for publication in the first half of 2018.

### Ongoing links with settlement and social cohesion work remaining in the Social Services portfolio

- While the overarching multicultural policy framework has moved to the Home Affairs portfolio, significant policy and programme levers to support migrant integration and social cohesion have been retained in the Social Services portfolio.
- This will require close ongoing collaboration between the two portfolios to ensure Government deliberations reflect the full spectrum of multicultural affairs.

### History

- 1979 – The multicultural affairs function in the Australian Government began under the Fraser Government as the Australian Institute of Multicultural Affairs (AIMA) under legislation, whose objectives included raising awareness of cultural diversity and promoting social cohesion, understanding and tolerance.
- 1987 – AIMA was replaced and legislation repealed by the Hawke Government with the creation of the Office of Multicultural Affairs (OMA) in the Department of the Prime Minister and Cabinet.
- 1996 – OMA was absorbed into the then Department of Immigration and Multicultural Affairs under the Howard Government, merging with an existing ethnic affairs function.
- 2013 – The multicultural affairs and settlement functions were transferred from the Department of Immigration and Citizenship to the newly created Department of Social Services (DSS).
- 2017 – The multicultural affairs function was transferred from DSS to the newly created Department of Home Affairs, while the settlement function remained in DSS.