Australian Government

Department of Home Affairs

Matters Requiring Immediate Attention and Consideration

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Policy Group

s47E(d)

s33(a)(iii), s34

s34

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s34

[redacted]

Corporate and Enabling

s47C

[redacted]

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s47C

[redacted]

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s33(a)(iii), s47E(d)

[redacted]

Statutory Review of the *Tribunals Amalgamation Act 2015*

- On 27 July 2018, the Attorney-General announced that the Hon Ian Callinan AC QC, former Justice of the High Court, will undertake a review of the Administrative Appeals Tribunal (AAT) following the amalgamation of the Social Security Appeals Tribunal, Migration Review Tribunal and Refugee Review Tribunal with the AAT on 1 July 2015. The report is due to the Attorney-General by 31 October 2018.

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- The review will consider, amongst other things, whether:
  - objectives of amalgamation have been achieved;
  - existing levels of separation are necessary and appropriate;
  - the AAT is meeting its objective of promoting public trust and confidence in its decision making by meeting community expectations; and
  - matters are resolved in a timely manner.

- The Department was asked to provide an issues paper for consideration by 24 August 2018. The Department is negotiating an extension on the timeframe.

Immigration and Citizenship Services Group

- Provisions under section 501 of the *Migration Act 1958* (the Act) give you or your delegate the power to refuse or cancel a visa if a non-citizen fails the character test. In addition, you have 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. s47E(d) [redacted]

s47C [redacted]

Commonwealth Counter-Terrorism Coordinator

International Engagement Regarding Citizenship Loss Cases

- On 9 August 2018 the former Minister for Home Affairs announced the citizenship loss of five individuals. Their names or identities were not disclosed. Due to exceptional circumstances surrounding one individual, the former Minister for Home Affairs agreed that another country be confidentially briefed regarding that individual's citizenship loss, prior to the public announcement.

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Australian Government

Department of Home Affairs

Portfolio Bills before Parliament and for introduction

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Portfolio Bills currently before the House of Representatives

Bill	Summary	Current status in Parliament
Modern Slavery Bill 2018	The Modern Slavery Act will require certain large corporations and other entities to publish annual statements detailing their efforts to address modern slavery.	Introduced into the House of Representatives on 28/06/2018 – awaiting debate in the House
Migration Amendment (Clarification of Jurisdiction) Bill 2018	This Bill amends the *Migration Act 1958* (the Migration Act) to clarify the allocation of jurisdiction between the Federal Court and the Federal Circuit Court in relation to migration decisions.	Introduced into the House of Representatives on 14/02/2018 – awaiting debate
Identity-Matching Services Bill 2018	This Bill provides for a new Act to give the Department of Home Affairs an explicit legal basis to use personal information in providing identity matching services to various Commonwealth and state agencies and private sector organisations. This is needed to implement the Intergovernmental Agreement on Identity Matching Services agreed by the Council of Australian Governments on 5 October 2017.	Introduced into the House of Representatives on 07/02/2018 – awaiting debate. The Bill was referred to the Senate Standing Committee for the Scrutiny of Bills, the Parliamentary Joint Committee on Human Rights and the Parliamentary Joint Committee on Intelligence and Security. Both the Senate Standing Committee for the Scrutiny of Bills and the Parliamentary Joint Committee on Human Rights have reported; however, the Parliamentary Joint Committee on Intelligence and Security is not expected to report until early September.
Migration Legislation Amendment (Code of Procedure Harmonisation) Bill 2016	This Bill amends the Migration Act to harmonise and streamline provisions in relation to the code of procedure for review of decisions by the Migration and Refugee Division of the Administrative Appeals Tribunal (AAT), clarify some provisions relating to the conduct of review and notification requirements, make technical amendments in relation to the giving of	Introduced into the House of Representatives on 30/11/2016 – awaiting debate

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Bill	Summary	Current status in Parliament
	documents and the mechanism for review of decisions by the Immigration Assessment Authority in relation to family groups, and amends the *Administrative Appeals Tribunal Act 1975* to make consequential amendments.	
Australian Crime Commission Amendment (Criminology Research) Bill 2016	This Bill merges the functions of the Australian Institute of Criminology (AIC) with the Australian Criminal Intelligence Commission (ACIC) by amending the *Australian Crime Commission Act 2002* to enable the ACIC to perform the AIC's functions, including carrying out criminology research, sharing and publishing that research and carrying out commissioned research; and repealing the *Criminology Research Act 1971* to abolish the AIC as a statutory agency.	Introduced into the House of Representatives on 14/09/2016 – awaiting debate
Customs Amendment (Comprehensive and Progressive Trans-Pacific Partnership Implementation) Bill 2018 and Customs Tariff Amendment (Comprehensive and Progressive Trans-Pacific	These Bills will implement Australia's tariff commitments and obligations under the Rules of Origin and Trade in Goods Chapters in the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (TPP-11). The Bills amend the Customs Act to define TPP-11 originating goods and the Customs Tariff Act to provide preferential tariff rates for these goods in accordance with TPP-11	Introduced into the House of Representatives on 23/08/2018 – awaiting debate

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Bill	Summary	Current status in Parliament
Partnership Implementation) Bill 2018		

Bills currently before the Senate

Bill	Summary	Current status in Parliament
Customs Amendment (PACER Plus Implementation) Bill 2018 and Customs Tariff Amendment (PACER Plus Implementation) Bill 2018	These Bills will implement Australia's tariff commitments and obligations under the Rules of Origin and Trade in Goods Chapters in Pacific Agreement on Closer Economic Relations Plus (PACER Plus). The Bills amend the Customs Act to define PACER Plus originating goods and the *Customs Tariff Act 1995* (the Customs Tariff Act) to provide preferential tariff rates for these goods in accordance with PACER Plus.	Introduced into the House of Representatives on 16/08/2018, debated in and passed the house on the 22/08/18. Introduced in the Senate on 23/08/2018 – awaiting debate in Senate
Unexplained Wealth Legislation Amendment Bill 2018	This Bill provides for a national approach to target unexplained wealth, enabling participating jurisdictions to deprive criminals of their wealth irrespective of the jurisdictions in which they operate. The Bill will allow Commonwealth unexplained wealth orders to be used in relation to Territory offences and specific offences of participating States. This will allow a single unexplained wealth order to target a national criminal syndicate instead of the patchwork of orders that would otherwise be sought by Commonwealth, State and Territory authorities.	Introduced into the House of Representatives on 20/06/2018, and debated in and passed the House on 21/08/2018. Introduced in the Senate on 21/08/2018 – awaiting debate in Senate

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Bill	Summary	Current status in Parliament
Migration (Validation of Port Appointment) Bill 2018	This Bill confirms the validity of the appointment of a proclaimed port in the Territory of Ashmore and Cartier Islands to ensure that there was a properly proclaimed port at all relevant times and ensure that things done under the Migration Act which relied directly or indirectly on the terms of the appointment are, and are taken always to have been, valid and effective.	Introduced into the House of Representatives on 20/06/2018 and debated in and passed the House on 16/08/2018. Introduced in the Senate on 16/08/2018 – awaiting debate in the Senate
Home Affairs Amendment (Miscellaneous Measures) Bill (previously the Immigration and Border Protection Legislation Amendment Bill) 2018	This Bill makes amendments to clarify, improve and strengthen provisions in the Migration Act, the Customs Act 1901 (the Customs Act) and the Passenger Movement Charge Collection Act 1978.	Introduced into the House of Representatives on 28/03/2018 and debated in and passed the House on 20/08/2018. Introduced in the Senate on 20/08/2018 – awaiting debate in the Senate
Customs Tariff Amendment (Incorporation of Proposal) Bill 2018	This Bill Amends the Customs Act to implement unilateral measures to eliminate tariffs from the ASEAN-Australia-New Zealand Free Trade Agreement schedule of the Customs Tariff Act pursuant to Indonesia-Australia Comprehensive Economic Partnership Agreement talks. The Bill also creates a new concessional item for blinded clinical trial kits and placebos to be used in clinical trials. The Bill also contains a technical amendment to Schedule 12 of the Customs Act.	Introduced into the House of Representatives on 27/06/2018 and debated in and passed the House on 16/08/2018. Introduced in the Senate on 20/08/2018
Migration Amendment (Regulation of Migration Agents) Bill 2017 and Migration Agents Registration Application Charge Amendment	This Bill amends the Migration Act 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 Application Charge Act 1997 to ensure that a person who paid the non-commercial registration application charge in	Introduced into the House of Representatives on 21/06/2017 and debated in and passed the House on 28/03/2018. Introduced in the Senate on 08/05/2018 - awaiting debate in the Senate

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Bill	Summary	Current status in Parliament
(Rates of Charge) Bill 2017	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.	
Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017	This Bill will 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.	Introduced into the House of Representatives on 13/09/2017 and debated in and passed the House on 07/02/2018. Introduced in the Senate on 08/02/2018 - awaiting debate in the Senate
Criminal Code Amendment (Firearms Trafficking) Bill 2017	This Bill introduces mandatory minimum sentences of five years' imprisonment for existing firearms trafficking offences. It also doubles the maximum penalties for these offences from ten years imprisonment or a fine of 2,500 penalty units or both, to 20 years' imprisonment or a fine of 5,000 penalty units or both. The introduction of the Bill fulfilled a 2016 election commitment to introduce this legislation within the first 100 days of the current Government.	Introduced into the House of Representatives on 15/02/2017 and debated in and passed the House on 25/10/2017. The Bill was first introduced to Parliament through the Senate on 15/09/2016 and debated in and passed the Senate on 13/02/2017. The Bill must now be reconsidered by the Senate after amendments were made in the House of Representatives.
Transport Security Amendment (Serious Crime) Bill 2016	This Bill amends the *Aviation Transport Security Act 2004* and *Maritime Transport and Offshore Facilities Security Act 2003* to: prevent the use of aviation and maritime transport or offshore facilities in connection with serious or organised crime; establish a regulatory framework to implement harmonised eligibility criteria for the aviation security identification card (ASIC) and maritime security identification card (MSIC) schemes; clarify and align the legislative basis for undertaking security checking of ASIC and MSIC applicants and	Introduced into the House of Representatives on 31/08/2016 and debated in and passed the House on 13/02/2017. Introduced in the Senate on 13/02/2017 and debated and passed in the Senate with amendments on 27/03/2017. The Bill must now be reconsidered by the House of Representatives with the amendments.

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Bill	Summary	Current status in Parliament
	holders; provide for regulations to prescribe penalties for offences; and insert an additional severability provision to provide guidance to a court as to Parliament's intention.	
Migration Amendment (Family Violence and Other Measures) Bill 2016	The Bill amends the Migration Act to introduce a sponsorship framework for the sponsored family visa program	Introduced into the House of Representatives on 01/09/2016 and debated in and passed the House on 10/10/2016. Introduced in the Senate on 10/10/2016 and awaiting resumption of debate in the Senate
Migration (Visa Revalidation and Other Measures) Bill 2016	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 09/02/2017. Introduced in the Senate on 09/02/2017 - awaiting debate in the Senate
Migration Amendment (Regional Processing Cohort) Bill 2016	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 08/11/2016 and debated in and passed the House on 10/11/2016. Introduced in the Senate on 10/11/2016 – awaiting debate in the Senate

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s47C, s47E(d)

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s47C, s47E(d)

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s47C, s47E(d)

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Contact Details
Name: Pip de Veau, First Assistant Secretary, Legal Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Department of Home Affairs

The Home Affairs Portfolio

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Key Issues

The Home Affairs Portfolio

- The Home Affairs Portfolio is a federated system, structured to maintain the statutory independence of Portfolio agencies while ensuring the external accountability and oversight arrangements are retained. The Portfolio is structured to benefit from the collaboration and alignment of sustained joint agency effort.
- The Home Affairs Portfolio consists of :
  - **Department of Home Affairs**
    - The Department of Home Affairs includes the entirety of the former Department of Immigration and Border Protection and functions relating to multicultural affairs, emergency management, transport security, transnational serious and organised crime, criminal justice policy, national security and counter-terrorism coordination, cyber policy and countering foreign influence.
  - **Australian Border Force (ABF)**
    - Australia's front-line border law and enforcement agency and Australia' customs service. ABF delivers critical border protection and national security outcomes while facilitating the movement of people and goods across the border. The ABF Mission is to protect Australia's border and enable legitimate travel and trade. The Australian Border Force is established within the Department of Home Affairs for budgetary employment and administrative purposes, but is operationally independent.
  - **Australian Criminal Intelligence Commission (ACIC)**
    - ACIC is Australia's national criminal intelligence agency with investigative and information delivery functions. 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.
  - **Australian Federal Police (AFP)**
    - The AFP is Australia's national policing agency, responsible for leading policing efforts to keep Australians and Australian interests safe, both at home and overseas. The AFP is 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. As Australia's principal international law enforcement representative, the AFP also works closely with international partners to disrupt crime offshore and support global security and regional stability.
  - **Australian Security Intelligence Organisation (ASIO)**
    - ASIO is Australia's national security intelligence service whose 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.
  - **Australian Transaction Reports and Analysis Centre (AUSTRAC)**
    - AUSTRAC works to build resilience in the financial system and uses financial intelligence to disrupt money laundering, terrorism financing and other serious crimes. AUSTRAC is Australia's Financial Intelligence Unit and anti-money laundering and counter-terrorism financing regulator. AUSTRAC serves as a conduit between the financial sector and Australia's law enforcement and national security community.

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Rationale behind the establishment of Home Affairs Portfolio

- The establishment of the Home Affairs Portfolio was prompted by an increasingly complex national security environment, evolving threats from terrorism and serious and organised crime, and newly emerging technologies such as encryption.
- These environmental changes drive the need for ever-greater cooperation between our domestic security, intelligence and law enforcement agencies.
- The Machinery of Government changes were designed to:
  - preserve the operational strengths of our frontline national immigration, border protection, domestic intelligence, security and law enforcement agencies, but improve the strategic policy, planning, and coordination behind them;
  - establish for the first time in our history, a home affairs portfolio with singular ministerial accountability to Cabinet; and
  - enhance the Attorney-General's oversight of Australia's intelligence, security and law enforcement agencies.

Budget

Portfolio budget for **2018-19**	Approx. $7.0 billion
Department budget for **2018-19**	Approx. $4.6 billion
Estimated **Portfolio** budget for **2021-22** (reducing by approximately **$1.2 billion** over the forward years)	Approx. $5.8 billion

***Figures** as published in Portfolio Budget Statements (PBS) 2018-19*

Departmental Implementation Costs (as at 31 May 2018)

- The Departmental costs are approx. $6.1 million. This includes expenditures on building signage, international travel, staff resources, ICT and the Headquarters Fit-Out.
- No additional funding was received for the establishment of the Portfolio.
- DIBP absorbed all implementation costs within its existing funding envelope.
- Costs are not to be viewed in isolation - focus is on enhancing coordination, but additional benefits and efficiencies are expected to be identified.

Staged Implementation and Staff Numbers

- The Portfolio was established in two stages:

Stage 1 (20 December 2017)	**ASL**
AFP	6,448
ACIC (incl. the Australian Institute of Criminology)	871
AUSTRAC	330
Department of Home Affairs* (including approx. 5,300 in ABF)	14,420
Stage 1 Portfolio 2018 - 19 ASL	**22,069**
Stage 2 (11 May 2018)	
ASIO	1,898
Communications, Security and Intelligence Branch within AGD	25
Stage 2 Portfolio 2018 - 19 ASL	**23,992**

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* The Department of Home Affairs includes DIBP and 769 ASL transferred from AGD, PM&C, DSS and DIRDC, under the machinery of government changes.

Key objectives of Home Affairs Portfolio

- As a Portfolio, our immediate focus is:
  - countering terrorism;
  - disrupting serious and organised crime;
  - thwarting child exploitation;
  - countering foreign interference and espionage;
  - maintaining secure borders; and
  - enhancing the integrity and efficiency of trade and travel systems.
- In the longer term, our key objectives are to:
  - support Australia's economic success: Ensuring Australian business can continue to export goods and services and draw on the global supply of investment, ideas and skilled labour, and that Australians can engage in the digital economy and freely access legitimate online commercial services.
  - continue to build on our successful multicultural society: Ensuring Australia continues to be enriched by immigration and the contributions of people from all cultures, religions and beliefs.
  - manage our increasingly complex security environment: Ensuring that Australians are as safe as possible from the threat of violence in all its forms, both within Australia and overseas.
  - mitigate the impacts of events that threaten our freedom and prosperity: Ensuring Australian society is resilient and well-prepared for emergencies and natural disasters.
- Underlying all of these priorities is a core focus on strengthening Australia's cyber defences and resilience.
- Improving cooperation and collaboration between the Commonwealth and state and territory governments, and the public and private sectors is a key priority.

Home Affairs – Achievements over the first 6 months

- In the first six months as the Department of Home Affairs, the Department has:
  - enacted Machinery of Government (MoG) changes for Home Affairs – bringing together functions from across six different departments.
    - The MOG included passage of the Home Affairs and Integrity Agencies Legislation Amendment Act and changes to the Administrative Arrangements Orders.
  - established a number of critical new roles including:
    - Commonwealth Transnational Serious and Organised Crime Coordinator; and
    - National Counter Foreign Interference Coordinator.
  - delivered the first integrated budget for the Home Affairs Portfolio in 2018-19.
  - realigned the Department's organisational structure to better reflect the key roles and functions, including by moving the following critical roles into the Department:
    - Commonwealth Counter-Terrorism Coordinator; and
    - National Cyber Security Advisor.

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- established the Reform and Reinvestment Roadmap taskforce to inform the Department's strategies and leverage efficiencies from the scale and synergies across the Home Affairs Portfolio.
- founded a number of forums to assist with policy development and coordination, including:
  - Ministerial Council for Policy and Emergency Management (MCPEM) which comprises the Ministers for Police and Emergency Management from the Commonwealth, each state and territory, and New Zealand and will focus on law enforcement reform, emergency management and increased collaboration.
  - Australian Multicultural Council (AMC) which is comprised of twelve minister-appointed members representing a broad cross-section of Australian interests that provides independent and robust advice to Government on multicultural affairs, social cohesion and integration policy and programs.

- Established the National Resilience Taskforce to take a whole-of-government and a macro-economic approach to the way Australia prepares for frequent and intensifying natural hazards.

Contact Details
Name: Rachel Noble PSM, Deputy Secretary, Executive Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Department of Home Affairs

21 August 2018

Secretary Michael Pezzullo

Deputy Secretary Executive — Rachel Noble PSM

First Assistant Secretary Strategy and Capability — Marc Ablong PSM
- Assistant Secretary **Capability Planning and Development** — Mathew Fox
- Assistant Secretary **Strategy** — Brett Schuppan
- Assistant Secretary **Strategy** — Stefanie Cordina

First Assistant Secretary Enterprise Strategy, Risk and Performance Chief Risk Officer — Abi Bradshaw
- Assistant Secretary **Governance and Performance** — Monika Millhouse A/g
- Assistant Secretary **Enterprise Strategy and Risk** — Andrew Chandler
- Assistant Secretary **Enterprise Readiness** — Dale Furse
- Senior Director **Internal Communication and Engagement** — TBA

First Assistant Secretary Executive Coordination — Kylie Scholten
- Assistant Secretary **Ministerial and Parliamentary** — Jacob Cannon A/g
- Assistant Secretary **Portfolio Media and Engagement** — Brooke Sawyer A/g
- Senior Director **Executive Support and Engagement** — Katie Gabriel

First Assistant Secretary Strategic Research and Communication Head CVE Centre — Lachlan Colquhoun
- Assistant Secretary **Countering Violent Extremism Centre** — Greg Cox
- Assistant Secretary **Research and Strategic Communications** — Mark Whitechurch A/g

First Assistant Secretary Integrity, Security and Assurance Chief Audit Executive — Cheryl-anne Moy (desig) Mark Brown A/g
- Assistant Secretary **Integrity and Professional Standards** — Mark Brown (desig) Richard Price A/g
- Assistant Secretary **Audit and Assurance** — Penny McKay
- Assistant Secretary **Security** — Megan Seccull

First Assistant Secretary R3 Roadmap Taskforce — Lisa Harris
- Assistant Secretary **Portfolio Roadmap Strategy** — Jane Annear
- Manager **Roadmap Coordination** — Peter Crozier

Deputy Secretary Policy — Linda Geddes

First Assistant Secretary Immigration, Citizenship and Multiculturalism Policy — Richard Johnson
- Assistant Secretary **Community Cohesion and Multicultural Policy** — Chad Hodgens
- Assistant Secretary **Global Mobility** — Michael Willard
- Assistant Secretary **Integration and Citizenship Policy** — Alice Ling
- Assistant Secretary **Migration Policy** — Ben Biddington

First Assistant Secretary National Security and Law Enforcement Policy — Hamish Hansford
- Assistant Secretary **Law Enforcement Policy** — Ciara Spencer
- Assistant Secretary **Transnational Crime Policy** — Michael Burke
- Assistant Secretary **National Security Policy** — Andrew Warnes

First Assistant Secretary International Policy — David Wilden
- Assistant Secretary **Asia** — Robert McGregor
- Assistant Secretary **Americas, Europe, Middle East and Africa** — Brendan Dowling
- Assistant Secretary **Pacific and Transnational Issues** — Andrew Rose

International
- Minister Counsellor **Geneva** — Steve McGlynn
- Regional Director **North Asia** — Teresa Conolan
- Regional Director **Middle East and Africa** — Fiona Andrew
- Regional Director **South East Asia** — Chris Waters
- Regional Director **South Asia** — Scott Matheson, Tara Cavanagh (desig)
- Regional Director **Europe** — Adam Meyer
- Regional Director **Americas** — Derek Bopping, Brendan Dowling (desig)
- Regional Director **Pacific** — James Watson
- Regional Director **Mekong** — David Ness

Deputy Secretary Corporate and Enabling Chief Operating Officer — Cheryl-anne Moy A/g

First Assistant Secretary People — Murali Venugopal
- Assistant Secretary **People Strategy** — Ben Wyers
- Assistant Secretary **People Management** — David Leonard
- Assistant Secretary **People Services** — Allison Denny-Collins
- Assistant Secretary **Payroll Services** — Vidoshi Jana
- Senior Director **HR Capability Strategic Engagement** — Leanne Blackley

First Assistant Secretary Finance Chief Finance Officer — Stephanie Cargill
- Assistant Secretary **Management Accounting** — Mark Saunders A/g
- Assistant Secretary **Financial Operations** — Sam Hatherly
- Assistant Secretary **Procurement and Contracts** — Ian Laverock
- Assistant Secretary **External Budgets and Revenue** — Sanandan Dasgupta
- Senior Director **Portfolio Budget Coordination** — TBA

First Assistant Secretary Legal General Counsel — Pip de Veau
- **Deputy General Counsel** Assistant Secretary **Legal Strategy and Services** — Alicia Wright
- Assistant Secretary **Legislation** — Heimura Ringi
- Assistant Secretary **Migration and Citizenship Law** — Anton Bockwinkel
- Assistant Secretary **National Security and Law Enforcement Legal** — Stephen Webber
- Assistant Secretary **Civil, Commercial and Employment Law** — Nicole Ingram
- Assistant Secretary **Migration and Citizenship Litigation** — Cody Smith

Special Counsel Immigration and Citizenship — Ian Deane PSM

Special Counsel National Security and Law Enforcement — Steve Webber

First Assistant Secretary Productivity and Compliance — Ben Wright
- Assistant Secretary **FOI, Privacy and Records Management** — Caroline Sternberg A/g
- Assistant Secretary **Portfolio Efficiencies** — Lee-anne Monterosso
- Assistant Secretary **Administrative Compliance** — Agnieszka Holland

First Assistant Secretary Property and Major Contracts — David Nockels
- Assistant Secretary **Services Management** — Claire Roennfeldt
- Assistant Secretary **Property** — Ryan Summerton
- Senior Director **Estate Management** — Peter Manwaring
- Senior Director **Headquarters Project** — Darren Cordwell

First Assistant Secretary Health Services Policy and Child Wellbeing — Libby Hampton
- Assistant Secretary **Immigration Health** — Lila Caplice A/g
- Assistant Secretary **Organisational Wellbeing** — Martine Cooper
- Assistant Secretary **Child Wellbeing** — Craig Riviere

Chief Medical Officer — Dr Parbodh Gogna

Deputy Secretary Intelligence and Capability — Maria Fernandez PSM

First Assistant Secretary Intelligence — Richard Gray
- Assistant Secretary **Border Intelligence Support to Operations** — Dominique Poidevin (desig) Steve Evans A/g
- Assistant Secretary **National Intelligence** — Brett Marshall
- Assistant Secretary **Intelligence Development** — Jeff Carige
- Assistant Secretary **Border Intelligence Fusion Centre** — Michael Thomas
- Senior Director **Strategic Assessments and Intelligence Management** — Brad Malone

First Assistant Secretary Information and Communication Technology and Chief Information Officer — Tim Catley
- Assistant Secretary **Intelligence, Identity and Biometrics Systems** — Thomas Bryan
- Assistant Secretary **Visa, Citizenship and Digital Systems** — Renate Croker
- Assistant Secretary **Traveller, Cargo and Trade Systems** — Belinda Duffy A/g
- Assistant Secretary **Corporate and Case Systems** — Gavin Wallace A/g
- Assistant Secretary **Technology Operations and Support** — Sean Hugo
- Assistant Secretary **Technical Visa Reform** — TBA
- Assistant Secretary **Cyber Risk Services** — TBA

First Assistant Secretary Major Capability — Michael Milford, AM
- Assistant Secretary **Business Engagement and Project Management Office** — Tyna Keane A/g
- Assistant Secretary **Strategy Architecture and Innovation** — Radi Kovacevic
- Assistant Secretary **Sourcing and Vendor Management** — Duane Stokes
- Assistant Secretary **Operational Capability** — Jennifer Bardsley

First Assistant Secretary Identity and Biometrics — Andrew Rice A/g
- Assistant Secretary **Identity and Biometrics Capability** — Paul Cross
- Assistant Secretary **Identity and Biometrics Specialist** — Michael Minns
- Assistant Secretary **AUSCHECK** — Michael Pahlow
- Assistant Secretary **Identity Security** — Duncan Anderson A/g
- Senior Director **Identity and Biometrics Management** — Anna Lutz (until end August)

First Assistant Secretary Data Management Chief Data Officer — Steve Davies
- Assistant Secretary **Statistics and Information Governance** — Karen McGuigan A/g
- Assistant Secretary **Data Transformation** — Susan McKeag

Deputy Secretary Immigration and Citizenship Services — Malisa Golightly PSM

First Assistant Secretary Immigration and Visa Services — Peter Richards A/g
- Assistant Secretary **Temporary Visa Program** — Judith O'Neill
- Assistant Secretary **Visa Business Optimisation** — Anna Lutz (WEF 3 September 18)
- Assistant Secretary **Skilled and Family Visa Program** — Cathy Milfull A/g
- Senior Director **Employer Sponsored Program Management** — Cathy Milfull

First Assistant Secretary Refugee, Citizenship and Multicultural Programs — Luke Mansfield
- Assistant Secretary **Citizenship and Multicultural Affairs Programs** — Damien Kilner
- Assistant Secretary **Humanitarian Program Operations** — Frances Finney PSM
- Assistant Secretary **Humanitarian Program Capability** — Miranda Lauman
- Regional Director **NSW/ACT** — Lesley Dalton
- Regional Director **QLD** — Steven Biddle
- Regional Director **Central** — Samantha Patuto A/g
- Regional Director **VIC/TAS** — Rosemary Wilmot A/g
- Regional Director **West** — Samantha Patuto

First Assistant Secretary Immigration Integrity and Community Protection — Peta Dunn
- Assistant Secretary **Status Resolution** — Sally Pfeiffer
- Assistant Secretary **Character Assessment and Cancellations** — Justine Jones
- Assistant Secretary **Caseload Assurance** — Nigel Muir A/g
- Senior Director **Status Resolution Network** — Mark Reardon A/g

First Assistant Secretary Visa Delivery Transformation — Andrew Kefford PSM
- Assistant Secretary **Channel Management** — Renelle Forster
- Assistant Secretary **Market Partnerships** — Tania Wilson
- Senior Director **Immigration Reform Implementation Office** — Vacant

Deputy Secretary Infrastructure, Transport Security and Customs Deputy Comptroller-General — Paul Grigson

First Assistant Secretary Aviation and Maritime Security Executive Director Transport Security — Sachi Wimmer
- Assistant Secretary **Aviation Security** — Angus Kirkwood
- Assistant Secretary **Transport Security Operations** — Anita Langford
- Assistant Secretary **Air Cargo Security** — Matthew Pedlar
- Assistant Secretary **Risk and International** — Richard Farmer
- Assistant Secretary **Maritime, Training and Card Security** — Leanne Loan

Director General Emergency Management Australia — Rob Cameron A/g
- Assistant Secretary **Crisis Management** — Joe Buffone A/g
- Assistant Secretary **Disaster Recovery** — Simon Aitchison A/g
- Assistant Secretary **Disaster Resilience Strategy** — Luke Brown

First Assistant Secretary Critical Infrastructure Security — Pablo Carpay
- Assistant Secretary **Critical Infrastructure Centre** — Samuel Grunhard
- Assistant Secretary **Assurance Risk and Engagement** — Andrew Kiley

First Assistant Secretary Trade and Customs — John Gibbon A/g, Brad Armstrong (desig)
- Assistant Secretary **Customs and Border Revenue** — Matthew Duckworth
- Assistant Secretary **Trade Modernisation and Industry Engagement** — Christie Sawczuk
- Assistant Secretary **Trusted Trader and Trade Services** — Tim Fitzgerald
- Assistant Secretary **Traveller** — Melissa Bennett A/g, John Gibbon (desig)

First Assistant Secretary National Resilience Taskforce — Mark Crosweller AFSM

Deputy Secretary Commonwealth Counter-Terrorism Coordinator — Tony Sheehan

Deputy Counter-Terrorism Coordinator Centre for CT Coordination — Michael Rendina
- Assistant Secretary **Counter-Terrorism Strategic Coordination** — Sophie Sharpe
- Assistant Secretary **Counter-Terrorism Operational Coordination and Evaluation** — Peter Whowell
- Assistant Secretary **Counter-Terrorism Capability** — David Chick

- Assistant Secretary **Home Affairs Counter-Terrorism Policy** — Susan Williamson-de Vries A/g

Deputy Secretary National Cyber Security Adviser — Alastair MacGibbon

First Assistant Secretary Cyber Security Policy Deputy National Cyber Security Adviser — Greg Miller
- Assistant Secretary **Cyber Security Policy** — Kendra Morony

Commonwealth Transnational Serious and Organised Crime Coordinator (CTSOCC) — Deputy Commissioner Karl Kent OAM

First Assistant Secretary Commonwealth Transnational Serious and Organised Crime (CTSOC) — Anthony Coles
- Assistant Secretary **CTSOC Strategy** — Kelly Williams
- Manager **CTSOC Capability and Engagement** — Gemma Smyth

Australian Centre to Counter Child Exploitation (ACCCE)* — TBA
- Manager **Victim Based Crime** — Commander Lesa Gale

*The Australian Centre to Counter Child Exploitation is a Whole-of-Government initiative within the Australian Federal Police, responsive to the Commonwealth Transnational Serious and Organised Crime Coordinator

National Counter Foreign Interference Coordinator — Chris Teal

Deputy Coordinator National Counter Foreign Interference — Cameron Ashe
- Assistant Secretary **Counter Foreign Interference** — TBA

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As at 21 August 2018

Australian Border Force

Commissioner
Michael Outram APM

Deputy Commissioner SUPPORT
Mandy Newton APM
(designate Justine Saunders APM commencing 29 Oct 2018)

Assistant Commissioner Strategic Border Command – Erin Dale
- Commander, **Chief of Staff ABF Ministerial and Parliamentary** – Tony Smith
- Commander, **ABF Governance** – Don Smith
- Commander, **Border Systems Management** – Kylie Rendina
  - Chief Superintendent, **ABF International Operations and Coordination** – Andrew Edgar A/g

Assistant Commissioner Operational Practices Command – Rachel Houghton
- Commander, **ABF Transformation** – Tharanie Vithanage
- **Chief Superintendent Workforce Engagement** – Susan Drennan
- Commander, **Career Management** – Mark Antill
- Chief Superintendent, **ABF College** – Gregory Linsdell
- Commander, **Operational Readiness** – Peter Timson

Assistant Commissioner Close Support Command – Kingsley Woodford-Smith
- Commander, **Air and Marine Capability** – Fatime Shyqyr
- Commander, **Marine Workforce Capability** – Robyn Miller
- Commander, **Tactical Capability** – Chris Collingwood

Assistant Commissioner ABF Business Services – Stephen Hayward
- Commander, **ABF Compliance and Corporate Coordination** – Sneha Chatterjee

Assistant Commissioner Detention and Offshore Operations Command – Vanessa Holben
- Commander, **Detention Operations** – William Ries
- Commander, **Offshore Coordination** – Bridget O'Brien A/g
- Assistant Secretary, **Regional Processing and Resettlement** – Alana Sullivan

Surgeon General – Dr Parbodh Gogna

Deputy Commissioner OPERATIONS
Clive Murray A/g
(designate Mandy Newton APM commencing 3 Sept 2018)

Assistant Commissioner Port Operations Command – Claire Rees A/g
(designate Clive Murray commencing 3 Sept 2018)
- Commander, **Regional Command NSW** – Danielle Yannopoulos
- Commander, **Regional Command VIC/TAS** – Craig Palmer
- Commander, **Regional Command QLD** – Terry Price
- Commander, **Regional Command WA** – Rod O'Donnell
- Chief Superintendent, **Regional Command SA** – Brett Liebich
- Commander, **Regional Command ACT/HQ** – Matthew O'Connor A/g

Assistant Commissioner Border Patrol and Coordination Command – Kaylene Zakharoff
- Commander, **Northern Command** – Jo Crooks
- Commander, **Australian Border Operations Centre (ABOC)** – Luke Morrish

Assistant Commissioner Enforcement Command – Sharon Huey
- Commander, **Investigations** – Graeme Grosse
- Commander, **Field Operations** – James Copeman
- Commander, **Special Investigations** – Susan Black
- Chief Superintendent, **Governance Coordination and Standards** – Lisa Milin

Commander Maritime Border Command – RADM Peter Laver, RAN
- **Chief of Operations** – AIRCDRE Andrew (Jake) Campbell
- ABF Commander, **Deputy Commander** – Craig Sommerville

Commander OSB JATF – AVM Stephen Osborne AM, CSC
- Chief Superintendent, **Deputy Commander OSB JATF** – Sarah Nicolson

ABF Officer teams

Blended teams reporting to ABF

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SENIOR LEADERSHIP TEAM JULY 2018

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

CEO
MICHAEL PHELAN APM

Chief of Staff
Jeremy Johnson

AIC Deputy Director
Dr Rick Brown

Chief Operating Officer
Paul Williams

NM Finance,
Property and Procurement
Yvette Whittaker

NM People,
Security and Integrity
Mardi Stewart

NM Legal Services
Nicole Mayo

NM Business
and Innovation
Sabeena Oberoi

Senior Advisor
Serious Crime Capability
Mark Harrison

ED Technology
Rochelle Thorne

Chief Technology Officer
Matt Jones

NM Business
Systems Delivery
Jakub Bartkowiak

ED Intelligence Operations
Charlie Carver A/g

NM Operational Strategy
Dash Sivakumaran

NM Operational Capability
Nick Wolanin

NM Intelligence
Katie Willis

State Manager NSW/
Physical Surveillance
Warren Gray

State Manager Tas
Matt Osborn

State Manager Vic/
Transnational Investigation Unit
Jason Halls

State Manager Qld
Scott McLeod A/g

State Manager WA/
Undercover Capability
Doug Miller

State Manager NT/SA (A/g)
David Richardson

Senior Advisor
Operational Innovation/
Human Source Capability
Hans Koenderink

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AUSTRALIAN FEDERAL POLICE
ORGANISATION STRUCTURE

AFP Commissioner
Andrew Colvin

Chief of Staff
Dr Chris Black

- M Strategic Policy & Performance
  Annette Douch
- M Government & Communications
  Tony Alderman
- M Enterprise Transformation
  Luke McCann
- M Future Ready – Demand and Supply
  Jason Cresswell
- M Future Ready - Culture
  Sharon McTavish

Chief Police Officer for the ACT
AC Justine Saunders

- DCPO Crime
  Cmdr Mark Walters
- DCPO Response
  Cmdr John Bourke
- Director Corporate Services
  Nicole Levay

NM Reform, Culture and Standards
AC Ray Johnson

- M Reform Program
  Cmdr Andrea Quinn
- M Professional Standards
  Cmdr Nigel Ryan

Deputy Commissioner National Security
Leanne Close

NM Counter Terrorism
AC Ian McCartney

- Centre for Counter-Terrorism Coord.
  Peter Whowell
- M Counter Terrorism Operations North
  Cmdr Linda Champion
- M Counter Terrorism Operations South
  Cmdr Matthew Rippon
- M CT Engagement & Ops Support
  Robert Jackson

NM Protection Operations
AC Wayne Buchhorn

- M Aviation
  Cmdr Warwick Macfarlane
- M Close Protection
  Cmdr Paul Osborne
- M Protection Establishments
  Tim Slattery
- M Parliament House
  (A) Supt Greg Hinds

Deputy Commissioner Operations
Neil Gaughan

NM Organised Crime
(A) Cmdr Bruce Hill

- M Organised Crime
  (A) Supt Peter Bodel
- M Crim Assets, Fraud & Anti-Corruption
  (A) Supt Kate Ferry

NM Crime Operations
(A) Cmdr David McLean (to 20/5)

- M National Victim Based Investigations
  Cmdr Lesa Gale
- M National Response Investigations
  Cmdr Justine Gough
- M Cybercrime Operations
  (A) Supt Brett McCann (to 20 May)

NM International Operations
AC Scott Lee

- M Pacific
  Cmdr Amanda Kates
- M International Engagement
  Allison Buck
- M International Strategy
  Cmdr David Bachi
- M Solomon Island Police Dev Program
  Cmdr John Tanti
- M Papua New Guinea
  Cmdr Bruce Giles
- M Europe/Africa
  Cmdr Jennifer Hurst
- M Asia
  Cmdr Glen McEwen
- M South East Asia
  Cmdr Jamie Strauss
- M Americas
  Cmdr Grant Edwards

Executive Secretary APG
Gordon Hook

- Assistant Secretary APG
  Eliot Kennedy

Deputy Commissioner Capability
Ramzi Jabbour

NM Technology & Innovation
Marianne Vosloo

- M IT Services & Operations
  (A) Robin Tayler
- M Enterprise Architecture & Innovation
  Brad Aitken
- M Business Capability Delivery
  (A) Supt Doug Boudry
- M Information Data Management & Analytics
  Annelize Venter

NM Specialist Operations
Dr Simon Walsh

- Chief Forensic Scientist
  Dr Sarah Benson
- M Intelligence Operations
  Cmdr Fiona Drennan

NM Support Capability
AC David Stewart

- M Covert & Capability
  Cmdr Michael Chew
- M Specialist Response Group
  (A) Supt Simon Penny (to 31 May)
- M AOCC
  Cmdr Xenia Cotter

Chief Operating Officer
Sue Bird

NM Workforce & Development
(A) Cmdr Kylie Flower (to 3 June)

- M Learning & Development
  Cmdr Kylie Flower
- State Manager New South Wales
  Cmdr Chris Sheehan
- State Manager Victoria
  Cmdr John Beveridge
- State Manager Queensland
  Cmdr Sharon Cowden
- State Manager South Australia
  Cmdr Peter Sykora
- State Manager Western Australia
  Cmdr Greg Harrigan
- M Workforce Development & Protocol
  Stuart Crome

NM People, Safety & Security
Philippa Crome

- M People Strategies
  Luci Henson
- M Organisational Health
  Dr Katrina Sanders
- M Security
  Craig Petrie

Executive Director AIPM
Warwick Jones

Chief Financial Officer
Peter Gunning

- M Business Services
  Shalini Dantan
- M Commercial Support
  Melanie Moore
- M Finance
  Tarnya Gersbach

Chief Counsel/National Manager Legal
Samantha Nichol

- M Criminal Assets Litigation
  Stefan Jerga
- M Legal (General Counsel)
  (A) David Pammenter

(A) – Acting
AC – Assistant Commissioner
AIPM – Australian Institute of Police Management
AOCC – AFP Operations Coordination Centre
APG – Asia Pacific Group
Cmdr – Commander
DCPO – Deputy Chief Police Officer
M – Manager
NM – National Manager
(S) Secondment

STRUCTURE EFFECTIVE 1 MAY 2018

For updates, please email the Executive Development Team

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Australian Government
AUSTRAC

AUSTRALIA'S FINANCIAL INTELLIGENCE AGENCY

2018 Organisational Chart

CHIEF EXECUTIVE OFFICER
Nicole Rose PSM

EXECUTIVE ASSISTANT
s22(1)(a)(ii)

NATIONAL MANAGER STRATEGY AND COMMUNICATIONS
Dr Rachel Challis (a/g)

- Business Transformation
- Strategic Communications
- Media Operations
- Planning and Performance

CHIEF OF STAFF
s22(1)(a)(ii)

s22(1)(a)(ii)

- Executive and Ministerial

DEPUTY CHIEF EXECUTIVE OFFICER REGULATORY STRATEGY
Peter Soros

DEPUTY CHIEF EXECUTIVE OFFICER INTELLIGENCE AND INTERNATIONAL
Chris Collett

DEPUTY CHIEF EXECUTIVE OFFICER CORPORATE OPERATIONS (COO)
Dr John Moss

NATIONAL MANAGER REGULATORY OPERATIONS
Dr Nathan Newman

- Insights and Assessment
- Education and Engagement
- Capability and Modernisation

NATIONAL MANAGER LEGAL AND POLICY
Kathryn Haigh

- Legal
- Regulation and Access
- Policy and Guidance
- Enforcement

NATIONAL MANAGER INTELLIGENCE OPERATIONS
Michael Tink (a/g)

- Intelligence Generation
- National Security Operations
- Experimentation

NATIONAL MANAGER INTELLIGENCE AND INTERNATIONAL PARTNERSHIPS
Brad Brown

- Intelligence Collaboration – Fintel Alliance
- International
- Risk Assessments

NATIONAL MANAGER INNOVATION AND TECHNOLOGY SOLUTIONS (CIO)
Leanne Fry

- Innovation, Information and Analytics
- Technology Services
- Transformation Projects

NATIONAL MANAGER PEOPLE AND BUSINESS SOLUTIONS
Gilly Neeley

- Human Resources
- Organisational Development
- Property
- Security
- Integrity
- Financial Services
- Risk and Audit

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PORTFOLIO KEY CONTACTS

w/c 27/08/2018
Version 1

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Assistant Minister for Home Affairs | The Hon Alex Hawke MP								
s22(1)(a)(ii)	s22(1)(a)(ii)							
s22(1)(a)(ii)								
DEPARTMENT OF HOME AFFAIRS PORTFOLIO EXECUTIVES								
Secretary Department of Home Affairs Michael Pezzullo s22(1)(a)(ii) s22(1)(a)(ii)								
Commissioner Australian Border Force Michael Outram s22(1)(a)(ii) s22(1)(a)(ii)								
CEO Australian Criminal Intelligence Commission Michael Phelan APM s22(1)(a)(ii) s22(1)(a)(ii)								
Commissioner Australian Federal Police Andrew Colvin APM, OAM s22(1)(a)(ii)								
CEO Australian Transaction Reports & Analysis Centre Nicole Rose (Sydney 28-30/7) s22(1)(a)(ii)								
DEPARTMENT OF HOME AFFAIRS EXECUTIVE								
Deputy Secretary Executive Rachel Noble PSM s22(1)(a)(ii)								
Deputy Secretary Policy Linda Geddes s22(1)(a)(ii) s22(1)(a)(ii)								
Deputy Secretary Corporate & Enabling | COO A/g Cheryl-anne Moy s22(1)(a)(ii)								
Deputy Secretary Intelligence & Capability Maria Fernandez s22(1)(a)(ii) s22(1)(a)(ii)								
Deputy Secretary Immigration & Citizenship Services Malisa Golightly PSM s22(1)(a)(ii)								
Deputy Secretary Infrastructure, Transport Security & Customs Paul Grigson s22(1)(a)(ii) s22(1)(a)(ii)								
Coordinator Tony Sheehan s22(1)(a)(ii) Ts22(1)(a)(ii)								
Deputy Secretary National Cyber Security Adviser Alastair MacGibbon s22(1)(a)(ii) s22(1)(a)(ii)								
National Counter Foreign Interference Coordinator Chris Teal s22(1)(a)(ii)								
Commonwealth Transnational Serious & Organised Crime Coordinator Karl Kent OAM s22(1)(a)(ii) s22(1)(a)(ii)								

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PORTFOLIO KEY CONTACTS

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NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
OPERATION SOVEREIGN BORDERS - JOINT AGENCY TASK FORCE								
OSB JATF Commander Stephen Osborne AM CSC s22(1)(a)(ii)	s22(1)(a)(ii)							
DEPARTMENT OF HOME AFFAIRS KEY CONTACTS								
Emergency Management Australia (EMA) A/g Director General Rob Cameron s22(1)(a)(ii)								
Aviation & Maritime Security FAS Sachi Wimmer s22(1)(a)(ii)								
Critical Infrastructure Centre FAS Pablo Carpay s22(1)(a)(ii)								
Special Counsel Ian Deane PSM s22(1)(a)(ii)								
Integrity, Security & Assurance/ Chief Audit Executive A/g FAS Mark Brown s22(1)(a)(ii)								
Enterprise Strategy, Risk & Performance / Chief Risk Officer Abi Bradshaw s22(1)(a)(ii)								
Executive Coordination A/g FAS Kylie Scholten s22(1)(a)(ii)								
Ministerial & Parliamentary A/g AS s22(1)(a)(ii) s22(1)(a)(ii)								
Portfolio Media & Engagements A/g AS s22(1)(a)(ii) s22(1)(a)(ii)								
Transnational Serious and Organised Crime Division FAS Anthony Coles (s22(1)(a)(ii) s22(1)(a)(ii)								
Media Operations								
Portfolio Media Hotline								
Parliamentary & Executive Coordination								
Cabinet Liaison Officer								
Ministerial Liaison Officer								
Coordinator Ministerial and Parliamentary Liaison (AFP)								
Executive Support & Engagement (ESE)								
A/g Director Executive Support & Engagment (ESE)								
ESU & Executive Coordination								
ESU Intel								
SES Unit s22(1)(a)(ii)								
ABF Executive Support Unit								
WATCH FLOORS | KEY CONTACTS								
Australian Border Force (ABOC Duty Superintendent)								
Australian Federal Police (AOC)								
Crisis Coordination Centre (CCC)								
Platinum IT Support **(FAS & Business critical positions)**								
General IT Support								
MSS Customs House Security Desk 4 National Circuit Security Desk MSS 6 Chan Street Security Desk								
JLL Property Service Centre								
Customs Incident Reporting Centre (CIRC)								
Mail & Freight: Decipha **(Australia Post: Civic)** Mail & Freight: Decipha **(Australia Post: Belconnen)**								
Production & Print Services								

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Executive

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary Executive Rachel Noble PSM s22(1)(a)(ii)	s22(1)(a)(ii)							
Strategy & Capability FAS Marc Ablong s22(1)(a)(ii)								
Capability Planning & Development AS Mathew Fox s22(1)(a)(ii)								
Strategy AS Brett Schuppan s22(1)(a)(ii)								
Strategy s22(1)(a)(ii)								
Strategy AS Jane Annear s22(1)(a)(ii)								
Enterprise Strategy, Risk & Performance / Chief Risk Officer FAS Abi Bradshaw s22(1)(a)(ii)								
Enterprise Strategy & Risk AS Andrew Chandler s22(1)(a)(ii)								
Enterprise Readiness AS Dale Furse s22(1)(a)(ii)								
Governance & Performance AS Dale Furse s22(1)(a)(ii)								
Executive Coordination FAS Kylie Scholten s22(1)(a)(ii)								
Ministerial & Parliamentary s22(1)(a)(ii)								
Portfolio Media & Engagement s22(1)(a)(ii)								
Executive Support & Engagement s22(1)(a)(ii)								
Strategic Research & Communication FAS Lachlan Colquhoun s22(1)(a)(ii)								
Countering Violent Extremism s22(1)(a)(ii)								
Strategic Research & Engagement s22(1)(a)(ii)								
Integrity, Security & Assurance A/g FAS Mark Brown s22(1)(a)(ii)								
Integrity & Professional Standards s22(1)(a)(ii)								
Audit & Assurance s22(1)(a)(ii)								
Security AS Megan Seccull Leave 27/08 s22(1)(a)(ii)								
K3 Roadmap Taskforce A/g FAS Lisa Harris s22(1)(a)(ii)								
Portfolio Roadmap Strategy s22(1)(a)(ii)								
Roadmap Coordination National Manager Peter Crozier s22(1)(a)(ii)								

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Policy

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary Policy Linda Geddes (GC 26-30/08 & SYD 30/08) s22(1)(a)(ii)	s22(1)(a)(ii)							
Immigration, Citizenship & Multiculturalism Policy FAS Richard Johnson s22(1)(a)(ii)								
Integration & Citizenship Policy AS Alice Ling s22(1)(a)(ii)								
Community Cohesion & Multicultural Policy Chad Hodgens s22(1)(a)(ii)								
Global Mobility AS Michael Willard s22(1)(a)(ii)								
Migration Policy Ben Biddington s22(1)(a)(ii)								
National Security & Law Enforcement Policy FAS Hamish Hansford s22(1)(a)(ii)								
Law Enforcement Policy AS Ciara Spencer s22(1)(a)(ii)								
National Security Policy Branch Andrew Warnes (A/L 21-30/8) s22(1)(a)(ii)								
Transnational Crime Policy AS Michael Burke s22(1)(a)(ii)								
International Policy FAS David Wilden s22(1)(a)(ii)								
Pacific and Transnational Issues s22(1)(a)(ii)								
Americas, Europe, Middle East & Africa AS Brendan Dowling s22(1)(a)(ii)								
Asia AS Robert McGregor s22(1)(a)(ii)								
Minister Counsellor Geneva Minister Counsellor Steve McGlynn s22(1)(a)(ii)								
Regional Director North Asia Teresa Conolan s22(1)(a)(ii)								
Regional Director Middle East & Africa Fiona Andrew s22(1)(a)(ii)								
Regional Director South East Asia Chris Waters s22(1)(a)(ii)								
Regional Director South Asia Scott Matheson s22(1)(a)(ii)								
Regional Director Europe Adam Myer s22(1)(a)(ii)								
Regional Director Americas Derek Bopping s22(1)(a)(ii)								
Regional Director Mekong Region David Ness s22(1)(a)(ii)								
Regional Director Pacific								

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Corporate and Enabling Group

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary Corporate & Enabling	s22(1)(a)(ii)						s22(1)(a)(ii)	
Chief Operating Officer								
A/g COO Cheryl-anne Moy								
s22(1)(a)(ii)								
People Division								
FAS Murali Venugopal								
s22(1)(a)(ii)								
People Strategy								
AS Ben Wyers								
s22(1)(a)(ii)								
People Management								
AS David Leonard								
s22(1)(a)(ii)								
People Services								
AS Allison Denny-Collins								
s22(1)(a)(ii)								
Payroll Services								
AS Vidoshi Jana								
s22(1)(a)(ii)								
HR Capability Strategic Engagement								
s22(1)(a)(ii)								
Chief Finance Officer / Finance Division								
A/g FAS Stephanie Cargill								
s22(1)(a)(ii)								
Management Accounting								
s22(1)(a)(ii)								
Financial Operations								
AS Sam Hatherly								
s22(1)(a)(ii)								
Procurement & Contracts								
AS Ian Laverock (AL 31/07 - 29/08)								
s22(1)(a)(ii)								
External Budgets & Revenue								
AS Sanandan Dasgupta								
s22(1)(a)(ii)								
Portofolio Budget Coordination								
s22(1)(a)(ii)								
General Counsel Legal Division								
GC Pip De Veau								
s22(1)(a)(ii)								
Deputy General Counsel								
Legal Strategy & Services								
Alicia Wright (Friday`s External - Mobile & Email)								
s22(1)(a)(ii)								
Legislation								
AS Heimura Ringi								
s22(1)(a)(ii)								
Migration & Citizenship Law								
AS Anton Bockwinkel								
s22(1)(a)(ii)								
National Security & Law Enforcement Legal								
s22(1)(a)(ii)								
Civil, Commercial & Employment Law								
AS Nicole Ingram								
s22(1)(a)(ii)								
Migration & Citizenship Litigation								
AS Cody Smith								
s22(1)(a)(ii)								
Internal Consultant to Legal Division								
AS Geoff Johannes								
s22(1)(a)(ii)								
EMERGENCY DUTY LAWYER (24/7)								
Special Counsel Immigration & Citizenship								
Ian Deane PSM								
s22(1)(a)(ii)								
AGS Counsel								
Wancy Lam								
s22(1)(a)(ii)								
Special Counsel National Security & Law Enforcemen								
Steve Webber								
s22(1)(a)(ii)								

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Corporate and Enabling Group

Productivity & Compliance
FAS Ben Wright
s22(1)(a)(ii)

FOI & Records Management
s22(1)(a)(ii)

Portfolio Efficiencies
s22(1)(a)(ii)

AS Lee-anne Monterosso (AL 30/08 - 31/08)
s22(1)(a)(ii)

Administrative Compliance
AS Agnieszka Holland
s22(1)(a)(ii)

Property & Major Contracts
A/g FAS Claire Roennfeldt (27- 30/08)
s22(1)(a)(ii)

FAS David Nockels
s22(1)(a)(ii)

Services Management
s22(1)(a)(ii)

Property
AS Ryan Summerton
s22(1)(a)(ii)

Estate Management
s22(1)(a)(ii)

Headquarters Project
s22(1)(a)(ii)

Health Services Policy & Child Wellbeing
FAS Elizabeth Hampton
s22(1)(a)(ii)

Immigration Health
s22(1)(a)(ii)

Organisational Wellbeing
AS Martine Cooper
s22(1)(a)(ii)

Child Wellbeing
AS Craig Riviere
s22(1)(a)(ii)

Chief Medical Officer
Dr Parbodh Gogna (Nauru 28 -31/08)
s22(1)(a)(ii)

s22(1)(a)(ii)

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Intelligence and Capability

w/c 27/8/2018
Version 1

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary Intelligence and Capability Maria Fernandez (on mobile 28 & 30/8) s22(1)(a)(ii)	s22(1)(a)(ii)							
ICT Division Chief Information Officer A/g FAS Sean Hugo s22(1)(a)(ii)								
Intelligence, Identity & Biometrics Systems AS Tom Bryan s22(1)(a)(ii)								
Corporate & Case Systems s22(1)(a)(ii)								
Visa, Citizenship & Digital Systems s22(1)(a)(ii)								
Technology Operations & Support s22(1)(a)(ii)								
Traveller, Cargo & Trade Systems s22(1)(a)(ii)								
Intelligence Division FAS Richard Gray s22(1)(a)(ii)								
Intelligence Development AS Jeff Carige s22(1)(a)(ii)								
Border Intelligence Support to Operations s22(1)(a)(ii)								
National Intelligence AS Brett Marshall s22(1)(a)(ii)								
Border Intelligence Fusion Centre s22(1)(a)(ii)								
Strategic Assessments & Intelligence Management SD Brad Malone s22(1)(a)(ii)								
Major Capability Division FAS Michael Milford s22(1)(a)(ii)								
Business Engagement & PMO s22(1)(a)(ii)								
Strategy, Architecture & Innovation AS Radi Kovacevic s22(1)(a)(ii)								
Sourcing & Vendor Management AS Duane Stokes s22(1)(a)(ii)								
Operational Capability AS Jennifer Bardsley s22(1)(a)(ii)								
Identity and Biometrics Division s22(1)(a)(ii)								
Identity & Biometrics Capability AS Paul Cross s22(1)(a)(ii)								
Identity & Biometrics Specialist s22(1)(a)(ii)								
AusCheck AS Michael Pahlow s22(1)(a)(ii)								
Identity Security s22(1)(a)(ii)								
Identity & Biometrics Management s22(1)(a)(ii)								
Data Management Division FAS Steve Davies s22(1)(a)(ii)								
Statistics and Information Governance s22(1)(a)(ii)								
Data Transformation AS Susan McKeag s22(1)(a)(ii)								

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w/c 27/08/2018
Version1

Immigration and Citizenship Services Group

NAME/TITLE	s22(1)(a)(ii)
Deputy Secretary Immigration & Citizenship Services Group	
Malisa Golightly PSM	
s22(1)(a)(ii)	
Immigration & Visa Services	
A/g FAS Peter Richards	
s22(1)(a)(ii)	
Temporary Visa Program	
AS Judith O'Neill	
s22(1)(a)(ii)	
Immigration & Visa Business Optimisation	
AS Tara Cavanagh	
s22(1)(a)(ii)	
Skilled & Family Visa Program	
s22(1)(a)(ii)	
Employer Sponsored Program Management	
s22(1)(a)(ii)	
Refugee, Citizenship and Multicultural Programs Division	
A/g FAS Frances Finney (SYD 31/8)	
s22(1)(a)(ii)	
Citizenship and Multicultural Affairs Programs Branch	
AS Damien Kilner	
s22(1)(a)(ii)	
Humanitarian Program Operations Branch	
s22(1)(a)(ii)	
Humanitarian Program Capabilities Branch	
AS Miranda Lauman (BRIS 30/8, SYD 31/8)	
s22(1)(a)(ii)	
Regional Director NSW/ACT	
AS Lesley Dalton	
s22(1)(a)(ii)	
Regional Director QLD	
AS Steven Biddle (Training 30-31/8, on mob)	
s22(1)(a)(ii)	
Regional Director Central	
s22(1)(a)(ii)	
Regional Director VIC/TAS	
s22(1)(a)(ii)	
Senior Director WA	
s22(1)(a)(ii)	
Immigration Integrity & Community Protection	
FAS Peta Dunn	
s22(1)(a)(ii)	
Status Resolution	
AS Sally Pfeiffer	
s22(1)(a)(ii)	
Character Assessment & Cancellations	
AS Justine Jones (SYD 29/08)	
s22(1)(a)(ii)	
Immigration, Integrity & Assurance	
s22(1)(a)(ii)	
Status Resolution Network	
s22(1)(a)(ii)	
Visa Delivery Transformation Division	
FAS Andrew Kefford PSM	
s22(1)(a)(ii)	
Channel Management Branch	
s22(1)(a)(ii)	
Market Partnerships Branch	
AS Tania Wilson	
s22(1)(a)(ii)	
Immigration Reform Implementation Office	
SD - Vacant	

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Home Affairs Programmes

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary Infrastructure, Transport Security and Customs	s22(1)(a)(ii)							
Paul Grigson (Gold Coast 27-30/8)								
s22(1)(a)(ii)								
Aviation & Maritime Security								
FAS Sachi Wimmer (Melbourne 28-29/8 & Sydney 30/8)								
s22(1)(a)(ii)								
Aviation Security								
AS Angus Kirkwood								
s22(1)(a)(ii)								
Transport Security Operations								
AS Anita Langford								
s22(1)(a)(ii)								
Air Cargo Security								
AS Matthew Pedler								
s22(1)(a)(ii)								
Risk & International								
AS Richard Farmer								
s22(1)(a)(ii)								
Maritime, Training & Identity Security								
AS Leanne Loan								
s22(1)(a)(ii)								
Emergency Management Australia								
A/g Director General Rob Cameron (Wollongong 28-29/8)								
s22(1)(a)(ii)								
Crisis Management								
s22(1)(a)(ii)								
Disaster Recovery								
s22(1)(a)(ii)								
Disaster Resilience Strategy								
AS Luke Brown								
s22(1)(a)(ii)								
Critical Infrastructure Centre								
FAS Pablo Carpay								
s22(1)(a)(ii)								
Assurance, Risk & Engagement								
s22(1)(a)(ii)								
Telecommunications & Technology								
AS Samuel Grunhard								
s22(1)(a)(ii)								
Trade and Customs								
A/g FAS John Gibbon								
s22(1)(a)(ii)								
Customs & Border Revenue								
s22(1)(a)(ii)								
Trade Modernisation & Industry Engagement								
AS Christie Sawczuk								
s22(1)(a)(ii)								
Trusted Trader & Trade Services								
AS Tim Fitzgerald (AL 27/8)								
s22(1)(a)(ii)								
Traveller								
s22(1)(a)(ii)								
National Resilience Taskforce								
FAS Mark Crosweller AFSM								
s22(1)(a)(ii)								

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Commonwealth Counter-Terrorism Coordinator

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary **Commonwealth Counter-Terrorism Coordinator** Tony Sheehan (Gold Coast 27-28/8 & Darwin 28-29/8) s22(1)(a)(ii)	s22(1)(a)(ii)							
Centre for CT Coordination Deputy CT Coordinator s22(1)(a)(ii)								
CT Strategic Coordination AS Sophie Sharpe s22(1)(a)(ii)								
CT Operational Coordination and Evaluation AS Russel Smith s22(1)(a)(ii)								
Counter-Terrorism Capability s22(1)(a)(ii)								
Home Affairs Counter-Terrorism Policy s22(1)(a)(ii) s22(1)(a)(ii)								

Counter Foreign Interference Coordinator

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Counter Foreign Interference Coordinator Chris Teal s22(1)(a)(ii)	s22(1)(a)(ii)						s22(1)(a)(ii)	
Deputy Counter Foreign Interference Coordinator FAS Cameron Ashe s22(1)(a)(ii)								
Counter Foreign Interference AS Bradley Armstrong s22(1)(a)(ii)								

National Cyber Security Adviser

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Secretary, National Cyber Security Adviser Alastair MacGibbon (Gold Coast 27-29/8) s22(1)(a)(ii)	s22(1)(a)(ii)							
Cyber Security Policy Division Deputy National Cyber Security Adviser FAS Greg Miller s22(1)(a)(ii)								
Cyber Security Policy Branch s22(1)(a)(ii) s22(1)(a)(ii)								

Commonwealth Transnational Serious and Organised Crime Coordinator

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Commonwealth Transnational Serious & Organised Crime Coordinator Karl Kent OAM (Gold Coast 27-30/8) s22(1)(a)(ii)	s22(1)(a)(ii)							
Commonwealth Transnational, Serious & Organised Crime Centre FAS Anthony Coles (Sydney 29/8) s22(1)(a)(ii)								
Commonwealth Transnational, Serious & Organised Crime Strategy & Capability Manager s22(1)(a)(ii) (Mon,Tues, Wed) (Sydney 29/8) s22(1)(a)(ii) s22(1)(a)(ii) s22(1)(a)(ii) s22(1)(a)(ii)								
Commonwealth Transnational Serious & Organised Crime Disruption & Engagement AS Kelly Williams s22(1)(a)(ii)								

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Support

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Commissioner	s22(1)(a)(ii)							
Mandy Newton APM (Darwin 27-29/8)								
s22(1)(a)(ii)								
Strategic Border Command								
AC Erin Dale								
s22(1)(a)(ii)								
Chief of Staff /ABF Ministerial & Parliamentary Coord								
s22(1)(a)(ii)								
ABF Governance								
Commander Don Smith								
s22(1)(a)(ii)								
Border Systems Management								
Commander Kylie Rendina								
s22(1)(a)(ii)								
ABF International Operations and Coordination								
s22(1)(a)(ii)								
Operational Practices Command								
AC Rachel Houghton								
s22(1)(a)(ii)								
Career Management								
Commander Mark Antill								
s22(1)(a)(ii)								
Operational Readiness								
Commander Peter Timson								
s22(1)(a)(ii)								
ABF College								
Chief Superintendent Greg Linsdell								
s22(1)(a)(ii)								
Workforce Engagement								
Chief Superintendent Susan Drennan								
s22(1)(a)(ii)								
WorkforceTransformation								
Commander Tharanie Vithanage								
s22(1)(a)(ii)								
Close Support Command								
AC Kingsley Woodford-Smith								
s22(1)(a)(ii)								
Air and Marine Capability								
Commander Fatime Shyqyr								
s22(1)(a)(ii)								
Marine Workforce Capability								
Commander Robyn Miller								
s22(1)(a)(ii)								
Tactical Capability								
s22(1)(a)(ii)								
Marine Workforce								
s22(1)(a)(ii)								
ABF Business Services								
AC Stephen Hayward								
s22(1)(a)(ii)								
ABF Compliance and Corporate Coordination								
Commander Sneha Chatterjee								
s22(1)(a)(ii)								
Detention and Offshore Operations Command								
AC Vanessa Holben								
s22(1)(a)(ii)								
Offshore Coordination								
s22(1)(a)(ii)								
Detention Operations								
Commander Bill Ries								
s22(1)(a)(ii)								
Regional Processing and Resettlement								
AS Alana Sullivan								
s22(1)(a)(ii)								

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Operations

NAME/TITLE	OFFICE	MOBILE	ASSISTANT	ROLE	OFFICE	MOBILE	EMAIL	LOCATION
Deputy Commissioner Operations A/g Kaylene Zakharoff s22(1)(a)(ii)	s22(1)(a)(ii)							
Border Patrol and Coordination Command A/g Assistant Commissioner Luke Morrish s22(1)(a)(ii)								
Northern Command Commander Jo Crooks s22(1)(a)(ii)								
Australian Border Operations Centre (ABOC) s22(1)(a)(ii)								
Enforcement Command Assistant Commissioner Sharon Huey (SYD 28 - 29/8) s22(1)(a)(ii)								
ABF Investigations Commander Graeme Grosse (Interstate 28 - 31/8) s22(1)(a)(ii)								
Special Investigations Commander Susan Black s22(1)(a)(ii)								
Field and Removal Operations s22(1)(a)(ii)								
Governance Coordination and Standards Chief Superintendent Lisa Milin (MEL 28-29/8) s22(1)(a)(ii)								
Port Operations Command A/g Assistant Commissioner Claire Rees s22(1)(a)(ii)								
NSW Commander Danielle Yannopoulos s22(1)(a)(ii)								
Victoria/Tasmania A/g Commander Bjorn Roberts s22(1)(a)(ii)								
Queensland Commander Terry Price s22(1)(a)(ii)								
Western Australia Commander Rod O'Donnell s22(1)(a)(ii)								
South Australia Chief Superintendent Brett Liebich s22(1)(a)(ii)								
ACT/HQ s22(1)(a)(ii)								
Maritime Border Commander A/g Craig Sommerville (16/8 - 7/9) s22(1)(a)(ii)								
Chief of Operations AIRCDRE Andrew (Jake) Campbell s22(1)(a)(ii)								
Deputy Commander Maritime Border Commander s22(1)(a)(ii)								
Chief of Staff s22(1)(a)(ii)								
OSB JATF Commander Air Vice-Marshal Stephen Osborne AM, CSC s22(1)(a)(ii)								
Deputy Commander OSB JATF Chief Superintendent Sarah Nicolson s22(1)(a)(ii)								
Chief of Staff Claudine Cross s22(1)(a)(ii)								

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Australian Government

Department of Home Affairs

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Senior Executive Biographies

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Michael Pezzullo, Secretary

Michael Pezzullo was appointed Secretary of the Department of Home Affairs on 20 December 2017.

Within the Home Affairs Portfolio, Mr Pezzullo leads the Department that provides a centralised function to enhance the coordination of strategy, planning and policy related to issues affecting Australia's domestic security. The Department works with the Portfolio's operational and statutory independent agencies to deliver national policy and programs in several areas, including: law enforcement; counter-terrorism; countering violent extremism; cyber security; countering espionage and foreign interference; critical infrastructure protection; emergency management; transport, civil maritime and aviation security; customs and border protection; trade and travel facilitation; immigration and citizenship; and multicultural affairs.

Mr Pezzullo was previously Secretary of the Department of Immigration and Border Protection which commenced operating on 13 October 2014. In this role, he oversaw the integration of the Department with the Australian Customs and Border Protection Service (ACBPS) on 1 July 2015, including the standing-up of the Australian Border Force as the Department's operational arm.

Prior to this, Mr Pezzullo was Chief Executive Officer of the ACBPS from February 2013, having joined the Service as its Chief Operating Officer in July 2009. As CEO, Mr Pezzullo was charged with implementing and overseeing reforms in ACBPS's business processes and systems, and its workforce culture and capability.

Before joining ACBPS, Mr Pezzullo was Deputy Secretary Strategy in the Department of Defence—appointed to that position in January 2006. Here, 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 programs 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 programs.

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 re-joined 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

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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 spending time with his family, watching cricket and rugby league, and reading (particularly on military history, international relations, intelligence, and political biographies). Michael Pezzullo is the Secretary of Home Affairs.

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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.

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Linda Geddes, Deputy Secretary, Policy Group

Linda Geddes is Deputy Secretary Policy Group.

Prior to this, Linda was responsible for leading the external engagement on the Government's immigration reform.

Linda 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, she led the delivery of the Australian Trusted Trader Program which was launched on 1 July 2016.

Linda joined the Australian Customs and Border Protection Service in December 2013, where she performed a number of roles across intelligence, corporate and policy areas. Prior to joining Customs, Linda was the Assistant Secretary for Cyber Security Policy and Crisis Management in the Department of the Prime Minister and Cabinet. Linda also served as the Assistant Director-General of the Open Source Centre in the Office of National Assessments and held several positions in the Department of Defence and the National Library of Australia. Linda also enjoyed an 11 year career in the Australian Defence Force (Army).

Ms Geddes has a Masters of Public Policy.

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Cheryl-anne Moy, A/g Deputy Secretary, Corporate and Enabling Group, Chief Operating Officer

Cheryl-anne Moy is the Acting Chief Operating Officer and Deputy Secretary Corporate and Enabling.

Cheryl-anne is the substantive First Assistant Secretary Integrity, Security and Assurance (ISA).

Prior to moving to the ISA role in May 2017, Cheryl-anne was the First Assistant Secretary of Children Community and Settlement Services (ABF), with accountability for management of regional processing programs and operations, children in immigration programs and community detention.

Before transferring to the then Department of Immigration and Border Protection, Cheryl-anne was the First Assistant Secretary Ministerial and Parliamentary Services in the Department of Finance. In this role Cheryl-anne managed the Parliamentary Entitlements of Senators and Members, and their Members of Parliament staff.

Prior to the Department of Finance, as an SES officer Cheryl-anne managed various policy and program areas in Centrelink and the Department of Human Services. These include social welfare and corporate programs, service delivery, operations and emergency management.

Cheryl-anne's career prior to the public service was in banking, finance and fraud investigations.

Cheryl-anne grew up in Queensland and has two adult daughters.

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Stephanie Cargill, Chief Financial Officer

Stephanie Cargill is the Chief Financial Officer (CFO).

Stephanie brings to the CFO role extensive financial experience in both the private and public sectors. Stephanie's experience includes 20 years in the public sector, predominantly within the Department of Defence, in a variety of roles focusing on finance, commercial management and procurement.

Before being appointed as the CFO, Stephanie was the Assistant Secretary of the Management Accounting Branch of the former Department of Immigration and Border Protection.

Immediately prior to that, Stephanie was the Director-General of Financial Reporting and Policy in the Defence Materiel Organisation.

Stephanie's career began with 10 years in the banking industry with the Bank of South Australia.

Stephanie has completed a Bachelor of Commerce (Accounting major) at the University of Adelaide. Having been awarded her CPA status in 1998, Stephanie accepted an invitation to become a Fellow of CPA Australia in 2016.

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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.

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Malisa Golightly PSM, Deputy Secretary, Immigration and Citizenship Services Group

Malisa Golightly was appointed as the Deputy Secretary, Immigration and Citizenship Services Group of the Department of Home Affairs (then known as the Department of Immigration and Border Protection) in August 2017.

In this role, she has 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 Multicultural Program and the Department's visa delivery transformation.

Prior to joining the Department, Malisa worked 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.

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Paul Grigson, Deputy Secretary, Infrastructure, Transport Security and Customs Group, Deputy Comptroller-General

Paul Grigson commenced in the role of Deputy Secretary, Infrastructure, Transport Security and Customs Group on 19 February 2018. Mr Grigson joined the Department's Portfolio leadership team from the Department of Foreign Affairs and Trade, where he was Australia's Ambassador to Indonesia from January 2015.

He was a senior career officer with the Department of Foreign Affairs and Trade and was appointed Deputy Secretary of the Department in September 2010. In 2014 he was Australia's Special Representative to Pakistan and Afghanistan. Prior to this he was Ambassador to Thailand (2008-2010). He has also served overseas as Ambassador to Burma (Myanmar) (2003-2004); Chief Negotiator of the Peace Monitoring Group in Bougainville (2000); and Counsellor later Deputy Head of Mission at the Australian Embassy in Phnom Penh (1993-1995).

From 2007 to 2008, Mr Grigson served as Chief of Staff to the Minister for Foreign Affairs.

Other roles with the Department of Foreign Affairs and Trade include First Assistant Secretary, South East Asia Division (2004 2007); Assistant Secretary, Maritime South-East Asia Branch (2000-2003); Director, Parliamentary Liaison and Freedom of Information Section (1992-1993); Adviser, Office of the Minister for Foreign Affairs (1992); and Media Liaison Officer (1991-1992). Mr Grigson also served as Senior Adviser, International Division in the Department of the Prime Minister and Cabinet (1997-2000).

Mr Grigson holds a Bachelor of Arts degree in Psychology and Journalism from the University of Queensland, a Bachelor of Letters from the Australian National University and a Graduate Diploma in Applied Finance from the Securities Institute of Australia. He is married with two children. He speaks French.

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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.

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Alastair MacGibbon, Deputy Secretary National Cyber Security Advisor

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.

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Karl Kent OAM, Deputy Commissioner, Commonwealth Transnational, Serious and Organised Crime Coordinator

On 1st May 2018, Australian Federal Police Deputy Commissioner Karl Kent OAM was appointed as Australia's first Commonwealth Transnational, Serious and Organised Crime Coordinator.

As the Commonwealth TSOC Coordinator, his role is to lead the national effort to combat the serious and rapidly evolving threat posed by TSOC; including child exploitation, illicit drugs, illicit firearms and money laundering. Through his new role, Karl aims to strengthen national efforts to combat TSOC through the alignment, where appropriate, of strategy, policy, legislation and capability.

Karl has a distinguished career in policing and national security operations, both within the Australian Federal Police and Victoria Police.

He has served the community for over 30 years both in Australia and overseas. He was awarded an Order of Australia Medal for his contribution to the investigation into the Bali bombings in 2002. In 2004, Karl led an Australian Police Disaster Victim Identification team to Thailand in response to the Indian Ocean Tsunami disaster. He was subsequently elected as Joint Chief of Staff during the crisis, and later awarded a Humanitarian Overseas Service Medal for his contribution to the operation.

Karl specialises in close operational support, organisational reform, delivery of new capabilities and services, as well as being a strong champion for innovation, process improvement and change.

Karl holds a Bachelor of Science Degree (Physics Major) from the University of New South Wales and an Associate Diploma of Applied Science in Forensic Investigation from the Canberra Institute of Technology.

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Chris Teal, Deputy Secretary, National Counter Foreign Interference Coordinator

Mr Chris Teal has been appointed as Australia's inaugural National Counter Foreign Interference Coordinator.

The National Counter Foreign Interference Coordinator delivers an effective, efficient and consistent national response to foreign interference by providing a focal point for coordinating policy and program development and leading on engagement with private sector areas.

As the National Counter Foreign Interference Coordinator, Chris holds the position of Deputy Secretary in the Department of Home Affairs and is seconded from the Attorney-General's Portfolio where he has had over 20 years of experience in national security.

He holds a Bachelor of Economics Degree and a Master of Business Administration.

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Michael Outram APM, ABF Commissioner

Michael joined the Immigration and Border Protection Portfolio on 9 March 2015 and was sworn in as Commissioner of the Australian Border Force (ABF) on 14 May 2018.

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 being sworn in as the Commissioner of the ABF, Michael led the Operations Group, which is responsible for compliance and enforcement operations relating to the movement of travellers and goods throughout the border continuum.

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. In 2014, Michael was the AFP's operational commander for the G20 Summit in Brisbane and the response to the downing of Malaysian Airlines Flight 17 over the Ukraine.

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, 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 and led to significant recovery of revenue and behavioural change 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.

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. He served as a detective from 1989 to 2002, rising to the rank of Detective Chief Inspector, and served 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

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the University of New South Wales and won a university prize for academic achievement. In April 2018, Michael completed the Harvard Kennedy School executive education programme Leadership in Crises: Preparation and Performance, which he attended having won a Sir James Wolfensohn Public Service Scholarship.

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

Mr Phelan was appointed Chief Executive Officer (CEO) of the Australian Criminal Intelligence Commission (ACIC) and Director of the Australian Institute of Criminology (AIC) on the 13 November 2017.

As CEO of the ACIC, Mr Phelan is responsible for enduring delivery of national policing information systems and services to Australian police and law enforcement partners. He is also responsible for management and administration of the ACIC's intelligence operations and specialist capabilities.

As Director of the AIC, Mr Phelan is responsible for leading Australia's national research and knowledge centre on crime and justice.

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 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.

Mr Phelan 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 and the Australian National Advisory Council on Alcohol and Drugs (ANACAD).

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Andrew Colvin APM OAM, Commissioner, 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.

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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.

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

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.

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Australian Government

Department of Home Affairs

Overview of Portfolio Senior Governance Framework

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Key Issues

- The governance arrangements outlined in this chapter, apply to the Department and Australian Border Force (ABF) only. Independent Portfolio agencies 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.
- The PGPA Act sets out requirements for the governance, reporting and accountability of Commonwealth entities and for the use and management of public resources. It vests many of the powers and responsibilities for the financial management of a Commonwealth entity in the hand of the Accountable Authority, and sets out a series of duties that they must meet.

Overview of governance arrangements

- The **Secretary** is the Accountable Authority under the PGPA Act and is supported by the:
  - **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.
    - The EOC is supported by nine Steering Committees, including the Risk Steering Committee.
  - **Audit Committee (AC)** - Section 45 of the PGPA Act requires the Secretary to ensure the Department has an independent Audit Committee. The AC covers the operation of the Department and the ABF.
  - **Risk Steering Committee** - Advises the Secretary and the Commissioner, through the EOC, on all aspects of risk management within the Department.
- These arrangements and linkages across the Portfolio are depicted at **Attachment A**.
- Recognising the operationally independent role of the ABF, the ABF has its own set of governance arrangements. However, the governance and working committees of the Department and the ABF contain linkages through their membership and operations to permit the Secretary to properly acquit his PGPA Act responsibilities. These arrangements ensure that alignment is maintained between the ABF's operational functions and the Department's policy, program and support functions.
- The **Commissioner** of the ABF is supported by the:
  - **Strategic Command Group (SCG)** - Responsible for providing guidance, business operations and setting the strategic direction for the ABF, including providing oversight of the ABF operational priorities.
  - **Operational Requirements Group** – Responsible for providing guidance for the ABF's support, operational and future capability requirements.
  - **Operations Tasking and Coordination Group** - Supports the work of the SCG by developing, implementing and monitoring performance against the ABF's operational priorities.
- These arrangements are depicted at **Attachment B**.

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Additional Background

- 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.

Attachments

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

Attachment B – ABF Governance Arrangements

Contact Details
Name: Rachel Noble PSM, Deputy Secretary, Executive Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

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 PGPA Act (PGPA 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

Home Affairs

Portfolio Agency Heads

• Minister • Secretary • Agency Heads	Regular

Portfolio

Agency Heads

• Secretary (Chair) • Agency Heads • DS Executive • FAS ESRP	Fortnightly

Deputy Agency Heads

• DS Executive (Chair) • Deputy Agency Heads	Fortnightly

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

• Secretary • Commonwealth Coordinators • Deputy Secretaries • DC Support or delegate • FAS Executive	Daily	Supported by a daily issues brief

Strategic Coordination

• Secretary • Commonwealth Coordinators • Deputy Secretaries • DC Support or delegate • FAS Executive, FAS ESRP, CFO, General Counsel, FAS ISA, FAS ABF Business Services	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	Monthly	• Managing and monitoring performance of the organisation, including: o Organisational performance and priorities o Financial o People, including integrity o Risk and assurance o Capability planning, resourcing and delivery o ICT o Identity and Intelligence • Reports to EC

Committee	Chair
Visa and Citizenship Steering Committee	*Deputy Secretary Visa and Citizenship Services*
Capability Delivery Steering Committee	*Deputy Secretary Intelligence and Capability*
Risk Steering Committee	*Deputy Secretary Executive*
People & Integrity Steering Committee	*Deputy Secretary Corporate*
Immigration Reform Steering Committee	*Deputy Secretary Visa and Citizenship Services*
Capability Planning & Resources Steering Committee	*Deputy Secretary Executive and Chief Operating Officer co-chaired*
Status Resolution Steering Committee	*Deputy Secretary Visa and Citizenship Services and Deputy Commissioner Operations*
Intelligence & Identity Steering Committee	*Deputy Secretary Intelligence and Capability*
Technology & Enabling Steering Committee	*Deputy Secretary Intelligence and Capability*

External Oversight

External Scrutiny

- Australian National Audit Office (ANAO)
- Commonwealth Ombudsman
- Australian Human Rights Commission (AHRC)
- Australian Commission for Law Enforcement Integrity (ACLEI)
- Inspector General Intelligence and Security (IGIS)
- Inspector of Transport Security (ITS)

Coordination and Advisory

External Advisory

- Australian Multicultural Council (AMC)
- Ministerial Advisory Council on Skilled Migration (MACSM)
- Ministerial Council for Police and Emergency Management (MCPEM)
- National Committee on Trade Facilitation (NCTF)

Cross-Government Coordination

- Bi-laterals (with key Commonwealth agencies)
- Criminal Justice Law Enforcement Forum (CJLEF)
- Inter-Departmental Committees
- National Resilience Taskforce

Internal Advisory

- Strategic Advisory Meeting

CT/Cyber/Serious Organised Crime Coordination Mechanisms

Accountable Authority under the PGPA Act

- Chief Executive Officer, Australian Criminal Intelligence Commission (ACIC)
- Commissioner, Australian Federal Police (AFP)
- Director-General of Security, Australian Security Intelligence Organisation (ASIO)
- Chief Executive Officer, Australian Transaction Reports and Analysis Centre (AUSTRAC)

Executive Body with a Statutory Head

- Commissioner, Australian Border Force (ABF)

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Attachment B

Australian BORDER FORCE

ABF Governance Arrangements

Executive Committee (EC)

• Secretary (Chair) • ABF Commissioner • All Deputy Secretaries and Deputy Commissioners • FAS Exec Division, FAS ESRP, CFO, GC • FAS ABF Business Services • FAS advisers, as required	Every 2 months	• 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.

Strategic Command Group

• Commissioner (chair) • Deputy Commissioners • Deputy Secretaries	Quarterly	• Top level governance body for the ABF • Sets the Strategic operational direction for the ABF. • Sets the annual ABF Operational Priorities. • Sets the annual intelligence collection requirements. • Monitors and addresses changes in the strategic intelligence picture, operational risks and issues and any trends that might require intervention. • Sets strategic enterprise and corporate direction for the ABF including the strategic and service relationship with Home Affairs. • Set high-level strategy, planning, resource allocation, assurance, compliance, finance/budget and HR. • Set strategic direction and provide oversight of the ABF change program.

ABF Commissioner

External Oversight

External Scrutiny

- ANAO
- Commonwealth Ombudsman
- AHRC
- ACLEI

Coordination and Advisory

- ABF SAC
- ABF LPAC

Enterprise Operations Committee

• Deputy Secretary Executive (Chair)
• All Deputy Secretaries
• Deputy Commissioner Support
• ABF Business Services Manager
• Relevant FASs
• Advisors, as required
	Monthly	• Managing and monitoring performance of the organisation, including:
		  ▫ Financial
		  ▫ People, including integrity
		  ▫ Risk
		  ▫ Capability delivery
		  ▫ Performance
		  ▫ ICT
		  ▫ Identity and Intelligence
		• End-to-end capability (strategy, guidance, budget, requirements, delivery)
		• Reports to EC

Operational Requirements Group

• DCS (Chair)
• Deputy Commissioners and Senior Executive Staff from across the ABF and the Department.
	Monthly	Manages and monitors the capability required to enable the operational priorities to be delivered including:
		• End to end capability delivery
		• Finance/Budgets
		• International Footprint
		• Compliance & Assurance
		  - PPCF
		  - Delegations
		  - Compliance Assurance Check (CAC)
		• Risk Management
		• Business Services
		• ABF change program (culture, leadership, values, L&D, Career Management, ABF 2020)

Operations Tasking and Coordination Group

• DCO (Chair) • Deputy Commissioners and Senior Executive Staff from across the ABF and the Department.	Monthly	Manages and monitors operational activities and performance against operational priorities. • Endorses the Enforcement Plans and allocates responsibility/ ownership to relevant members. • Decision making body for establishing National Operations. • Ensures alignment of resources and capability to deliver against priorities.

Tactical level governance

Daily Australian Border Situational Update (DABSU)	The DABSU contains detailed information of significant and sometimes sensitive operational events that have occurred across the border in the last 24 hours and those operational activities planned for the next 48 hours.
Daily Executive Brief (DEB)	The DEB provides and overview to the Executive of the pertinent information and significant events that the ABOC has been made aware of within the previous 24 hours.
Hot Issues Brief (HIB)	HIBs provide initial cleared advice on a significant emerging issue or operational matter which requires immediate Ministerial or Executive attention.

AC Level Sub-Committees

EC Implementation Steering Committee Special Operations Joint Management Group (SOJMG) WHSIS Steering Committee Uniform Advisory Committee Border Operations Vocation Committee Operational Safety Committee ABF Risk Management Working Group Compliance and Enforcement Border Clearance Compliance Enforcement (BCCE) Board Business Services - HR - Integrity - Finance/ Budget Governance	• FAS/ACs from across the ABF • Embedded FAS	Monthly or as required	Monitors, reports and provides advice and recommendations

Tactical Tasking and Coordination Group

• AC BPCC (Chair) • ABF Regional and operational commanders • ABF International • Intelligence • International liaison officers	Weekly	Sets and endorses operational activities that will deliver the outcomes of Enforcement Plans. Prioritisation and de-confliction of operational activities/issues as they arise.

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Acronym List

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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 Border 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 Keangan
RPNGC	Royal Papua New Guinea Constabulary
SCNS	Secretaries' Committee on National Security
SEA	South East Asia

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Australian Government
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Home Affairs Portfolio - Quick Facts

Monthly statistics are correct as at COB 31 July 2018 unless specified

NATIONAL SECURITY & EMERGENCY MANAGEMENT

Counter Terrorism

Foreign Fighters - Syria/Iraq (since Sep 2012)	As at 21-Aug-18
Australians currently fighting or engaged with terrorist groups involved in the conflict	Around 100
Australians being investigated for actively providing support for terrorist group involved in the conflict	Around 230
Australians travelled to fight or support groups involved in the conflict	Around 230
Australians killed as a result of heir involvement in the conflict	At least 91 and possibly as many as 93
Passports cancelled or refused in rela ion to the conflict	Around 240
Returned to Australia after travelling and joining groups involved in the conflict	Around 40

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Emergency Management Australia

National Security Hotline (NSH)	YTD 2018-19	Jul-18
Calls and other contacts received	2,554	2,036
Information calls forwarded to Australia's police and security agencies for further analysis and investiga ion	382	300

Disaster Recovery Programme	YTD 2017-18	Local Government Authority (LGA) Activations
Natural Disaster Relief and Recovery Arrangements	48	207
Disaster Recovery Payment*	Nil	Nil
Disaster Recovery Allowance*	Nil	Nil

* No payments or allowances have been processed to date

Notes
The 'YTD' column includes the number of disasters that have occurred under each of the disaster recovery programmes – e.g. there have been 48 disasters in 2017-18 that have triggered the activation of the Natural Disaster Relief and Recovery Arrangements (NDRRA).
The 'Local Government Areas' column includes the number of local government area (LGA) activations for assistance under each of the programmes – e.g. there have been 207 LGA activations for assistance under the NDRRA in 2017-18.

LAW ENFORCEMENT

Australian Border Force

Major Drugs, Precursors, NPS & PIEDs (as at 30 June 2018)	YTD 2017-18	YTD variation
Detections	42,872	(543)
Of which: Major Drugs	27,508	3,407
Weight (kg)	11,740.18	5,520.43
Undeclared Firearms, Parts & Accessories	**YTD 2018-19**	**YTD variation**
Detections	136	107
Released	2	(10)
Re-Exported	1	1
Disposed	0	(12)
Still in store	133	128
Undeclared tobacco	**YTD 2018-19**	**YTD variation**
Detections	15,976	9,318
Duty Evaded ($m) (ex GST)	16.69	(9 31)
Equivalent Weight (tonnes)	18 20	(15.49)
Undeclared Currency	**YTD 2018-19**	**YTD variation**
Detections	103	52
Value ($m)	2.51	1 57

Australian Federal Police

Activities	YTD 2018-19	FT Average (Past 5 years)
Referrals*	398	3,721
Investigations**	151	1,366
Criminal assets restrained	$3.2 (m)	$120.0 (m)
Conviction rate	100%	95%

* Referrals includes all cases reported from external and internal clients. Excludes ACT and Airports

** Investigations refers to cases accepted by the AFP with a case type of INVESTIGATION or FRAUD & ANTI-CORRUPTION recorded in National PROMIS.

Australian Criminal Intelligence Commission

Intelligence Products	Jul-18
Tactical Intelligence products released	117
Strategic Intelligence products released	14

AUSTRAC

Declared Currency	YTD 2018-19	YTD variation
International Funds Transfer Instructions		
Number ('000s)	10,962.7	5.0%
Threshold Transaction Report (AUD 10,000 or more)		
Number ('000s)	231 3	(37.7%)
Cross-border movement (cash, cheques >AUD 10,000)		
Number ('000s)	2 8	(37.2%)
Suspicious Matter Reports		
Number ('000s)	18 0	162.1%
Reporting Entities		
Number	14,288	N/A

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Australian Government
Department of Home Affairs

Home Affairs Portfolio - Quick Facts

Monthly statistics are correct as at COB 31 July 2018 unless specified

BORDER FLOWS (PEOPLE & TRADE) - AUSTRALIAN BORDER FORCE

Air and Sea Travellers	YTD 2018-19	YTD variation
Air & sea traveller arrivals	2 2 (m)	0.1 (m)
Air & sea traveller departures	1 9 (m)	0.1 (m)
Total Movements	**4.1 (m)**	**0.1 (m)**
Automated border control arrivals	1 0 (m)	0.0 (m)
Automated border control departures	1 3 (m)	0.1 (m)

Interventions at the border	YTD 2018-19	YTD variation
Air Cargo		
Number of Air Cargo Consignments	4,023,928	112,750
Inspec ions	183,880	59,648
Examinations	8,903	2,158
Detections	728	285
Sea Cargo		
Number of Sea Cargo Manifests	282,958	8,396
Inspec ions	7,004	(1,166)
Examinations	759	(108)
Detections	70	(8)
International Mail (as at 30 June 2018)		
Inspec ions	54.6 (m)	(3.9 m)
Examinations	262,912	35,468
Detections	84,866	3,584
Air Travellers		
Travellers examined	8,270	1,545
Detections	938	65
Detector Dog Program		
Taskings	1,159	(702)
Detections	185	9
Asbestos		
Targeted shipments	324	(384)
Examinations	10	(14)
Detections	6	(2)

Trusted Trader	As at 31-Jul-18	Monthly movement
Number of Accredited Trusted Traders	205	12
% of two way trade value	8 35%	0.10%
% of two way trade volume	5 20%	0.07%

Onshore held detention (including Christmas Island)	As at 22-Aug-18	Weekly movement
MAs	321	0
Non-IMA	1,001	(30)
Of which: s501	437	(2)
Total	**1,322**	**(30)**
Of which:		
Minors (Age 0-17)	12	3

PNG Regional Resettlement Arrangement	As at 22-Aug-18	Weekly movement
Manus Island - popula ion statistics	683	0
People in Australia on medical transfer	53	0
Total population	**736**	**0**

Memorandum of Understanding with Nauru	As at 22-Aug-18	Weekly movement
Nauru - population sta istics	801	(12)
People on medical transfer	452	14
Total population	**1,253**	**2**

USA Resettlements	As at 22-Aug-18	Weekly movement
Manus	108	0
Nauru	263	0
Total	**371**	**0**

Location events of non-citizens	YTD 2018-19	YTD variation
Voluntary	1,045	139
Non-voluntary	303	(43)
Total	**1,348**	**96**

Location events of illegal workers	YTD 2018-19	YTD variation
Voluntary	47	(7)
Non-voluntary	118	(32)
Total	**165**	**(39)**

VISA & CITIZENSHIP

Permanent Migration Program (as at 30 June 2018)	YTD 2017-18	Variation planning level
Family	47,732	(9,668)
Skill	111,099	(17,451)
Special Eligibility	236	(329)
Child	3,350	N/A
Total Migration and Child Program	**162,417**	**N/A**

Refugee & Humanitarian Program Grants	YTD 2018-19	Variation planning level
Offshore	601	N/A
Onshore	95	N/A
Total	**696**	**N/A**

Temporary visa grants* (as at 30 June 2018)	YTD 2017-18	YTD variation
Crew and Transit	351,516	(878)
New Zealand	1,856,614	(64,947)
Other Temporary	13,074	8,252
Student	378,292	35,257
Temporary Resident (Other)	180,459	35,359
Temporary Resident (Skilled)	64,470	(23,110)
Visitor	5,639,167	293,483
Working Holiday Maker	210,456	(555)
Total	**8,694,048**	**282,861**

* From 1 July 2017 figures include subclass 773 Border visas

Citizenship	YTD 2018-19	YTD variation
Citizenship Conferral Lodgement	12,542	2,120
Citizenship Acquisitions	9,007	(3,077)

Illegal maritime arrival legacy caseload (since 19-Sep-13)	As at 22-Aug-18	Weekly movement
Processing status		
Applications onhand	10,489	(93)
Applications at merits review	1,417	(22)
Total	**11,906**	**(115)**
	As at 22-Aug-18	**Weekly movement**
Total grants (TPV and SHEV)	13,533	58

Residence Determination	As at 22-Aug-18	Weekly movement
Occupancy		
MAs	378	0
Non-IMAs	14	0
Total population	**392**	**0**
Of which:		
Unaccompanied minors (Age 0-17)	7	0

Visa compliance	YTD 2018-19	YTD variation
Number of visa cancellations	5,120	(949)
Of which:		
s501: Character	77	8
llegal worker warning notices issued	35	11

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Home Affairs Portfolio - Quick Facts

Monthly statistics are correct as at COB 31 July 2018 unless specified

MARITIME OPERATIONS - AUSTRALIAN BORDER FORCE

Operation Sovereign Borders	YTD 2018-19
Interceptions	0
Arrivals	0
Days since last successful people smuggling venture	1,465

Aircraft coverage (NM^2)	YTD 2018-19	YTD variation
Coverage	11.0 (m)	0.2 (m)

Illegal Foreign Fishers and Vessels	YTD 2018-19	YTD variation
Illegal Foreign Fishing Vessels Apprehended	1	1
Illegal Foreign Fishers Apprehended & Processed	5	5

Vessel Patrol Days	YTD 2018-19	YTD variation
ABFC Ocean Shield	29	0
ABFC Thaiyak	28	7
ABFC Patrol days	202	5

AVIATION AND MARITIME SECURITY DIVISION

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Activities	YTD 2018-19	YTD variation from pro-rata target
s47E(d)		
National Compliance Plan Progress		
Total Core NCP activities conducted	129	0.0%
Total activities conducted (inclusive of Response and Advice activities)	182	N/A
Regulatory Assessments		
Legislative Assessments completed	95	N/A
Applications in Progress	93	N/A

CYBER SECURITY

Activities	Jun-18
Incidents	
Number of incidents responded to by ACSC	62
Incidents by Source type	
Self-reported	2
Email (tipper)	10
Other	19
24/7 Watch team	31
Incidents by Victim Type	
Industry	32
State and Territory Government	5
Federal Government	7
Other	11
Organisations	3
Individual	2
Unknown	2
Type of incidents responded to	
System compromise	29
Indeterminate*	19
Exploitation attempt	2
Informa ion Disclosure	2
Denial /disruption of service	0
Reconnaissance	9
Benign	0
Other	1
24/7 Watch Team	
General Requests	71
Incidents/Events	106

* Indeterminate includes where analysis was not undertaken, multiple classifications apply or non-incident was recorded.

BIOMETRICS

	YTD 2018-19	YTD variation
Facial Enrolments	137,208	85,352
Fingerprints		
Enrolments	49,382	7,564
Referrals to Migration 5 Partners	168,112	132,435
s47E(d)		

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Australian Government
Department of Home Affairs

Home Affairs Weekly Statistics

Weekly statistics are correct as at COB 22 August 2018 unless specified

Overview

The Home Affairs Weekly Statistics is produced by the Data Division of the Department of Home Affairs.

The intention of the report is to provide a regular snapshot of metrics and trends covering certain key aspects of the Department. The report will also highlight emerging or prominent issues.

The report is developed in consultation with program owners across the Department. Any clarification on figures within the report can be provided directly by the relevant business area.

The content of the report has been produced specifically for the Minister's Office. All other parties who wish to republish the statistics or commentary contained in this document must seek permission from the relevant business areas. Requests for additional statistics should also be directed at the relevant business areas. The Data Division can assist in facilitating these requests.

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Home Affairs Weekly Statistics Contacts:

For specific data queries contact:

Data topic	Assistant Secretary	Office number	Mobile number	Group mailbox
Manus and Nauru - Population Statistics	s22(1)(a)(ii)	s22(1)(a)(ii)		s47E(d)
Detention Facilities - Mainland & Christmas Island	s22(1)(a)(ii)			
Residence Determination & BVE	s22(1)(a)(ii)			
IMA Removals & Returns - Onshore	Karen McGuigan (A/g)			
IMA Removals & Returns - Offshore	s22(1)(a)(ii)			
Legacy Caseload	Miranda Lauman			
Humanitarian Program - Onshore	Miranda Lauman			
Humanitarian Program - Offshore	Miranda Lauman			
Compliance & Status Resolution	Karen McGuigan (A/g)			
Migration & Temporary Entrants	Karen McGuigan (A/g)			
Citizenship	Damien Kilner			
Illicit Goods	Karen McGuigan (A/g)			
Interventions	Karen McGuigan (A/g)			
Vessel Patrols, Aerial Surveillance & Operations	s22(1)(a)(ii)			

For general queries please contact: s47E(d)

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Manus & Nauru - Population Statistics

Weekly statistics are correct as at COB 22 August 2018 unless specified

Population Statistics by Refugee Status & Location - Manus

Location	Refugees	Still in RSD Process	Failed Asylum Seekers	Total
East Lorengau Refugee Transit Centre (ELRTC)[1]	263	0	0	263
West Lorengau Haus[2]	143	0	0	143
Hillside Haus	0	0	107	107
Location to be confirmed	0	0	0	0
Port Moresby Medical	33	0	20	53
Port Moresby (R & R)[3]	3	0	3	6
Port Moresby (Nauru EOI)	0	0	0	0
Port Moresby (Third Country)[4]	70	0	0	70
PNG Community[5]	40	0	1	41
Total in PNG	**552**	**0**	**131**	**683**
Australia (Medical)	26	21	6	53

[1] Includes settled refugees who have subsequently returned to the ELRTC voluntarily.

[2] Includes settled refugees who have subsequently returned to the West Lorengau Haus voluntarily.

[3] Includes persons actively pursuing Assisted Voluntary Returns and involuntary removal case(s) managed by PNG ICSA.

[4] Includes refugees attending US resettlement appointments or awaiting departure to the US. Also includes refugees progressing their own third country resettlement. Not all refugees in this cohort are necessarily on a departure pathway.

[5] Refers to Failed Asylum Seeker(s) who are residing in the PNG community after being discharged from service provider s care due to long-term absence from allocated accomodation.

Population Statistics by Refugee Status & Location - Nauru

Location	Refugees	Still in RSD Process	Failed Asylum Seekers[1]	Total
Regional Processing Centre (RPC)	64	93	23	180
Nauru Community	621	0	0	621
Total in Nauru[2]	**685**	**93**	**23**	**801**
Australia (Medical)	290	157	2	449
Port Moresby (Medical)	0	0	0	0
Taiwan (Medical)	2	1	0	3
Total Medical Transfers	**292**	**158**	**2**	**452**
Port Moresby (R & R)	0	0	0	0

[1] Figures include transferees who have gone through the requisite appeals processes and are now considered to be failed asylum seekers by the government of Nauru. Official confirmation of these cases was received on 02 May 2018.

[2] Excludes two PNG determined refugees who were transferred to Nauru voluntarily.

Third Country Resettlements

Country	Manus	Nauru	Total	Weekly Movement
Cambodia[1]	0	7	7	0
Canada[2]	1	2	3	0
USA	108	263	371	0
Germany	1	0	1	0
Total	**110**	**272**	**382**	**0**

[1] Cambodia figures include four previously settled refugees who have subsequently returned to their country of origin voluntarily.

[2] Resettlements in Canada were attained through refugee self-arrangements.

Children in Nauru

	15-Aug	22-Aug	Weekly Movement
RPC	10	10	0
Community	111	107	(4)
Medical Transfer (Australia)	164	170	6
Medical Transfer (Port Moresby)	0	0	0
Total	**285**	**287**	**2**

RPC Incident Types - Nauru

Incident Types	15-Aug	22-Aug	Weekly Movement
Self Harm - Actual	0	2	2
Self Harm - Threat	0	2	2
Food/Fluid Refusal	0	0	0
Assault Nonsexual	0	0	0
Assault Nonsexual - Under 18	1	0	(1)
Assault Sexual	0	0	0
Abusive/Aggressive Behaviour	4	4	0
Total	**5**	**8**	**3**

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Detention Facilities - Mainland & Christmas Island

Weekly statistics are correct as at COB 22 August 2018 unless specified

Detention Facility Characteristics

Mainland	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Total Occupancy	**981**	**1,108**	**127**	**1,213**	**1,213**	**0**
Total IMAs	**264**	**254**	**(10)**	**275**	**288**	**13**
IMA Adult Males	256	245	(11)	259	267	8
IMA Adult Females	8	7	(1)	12	14	2
IMA Minors	0	2	2	4	7	3
Total Non IMAs	**717**	**854**	**137**	**938**	**925**	**(13)**
Non- MA Adult Males	635	781	146	836	839	3
Non- MA Adult Females	77	71	(6)	97	81	(16)
Non- MA Minors	5	2	(3)	5	5	0
s501 Character Cancellations	304	330	26	373	385	12
Avg days in Detention	**418**	**353**	**(65)**	**406**	**426**	**20**
IMA	866	718	(148)	823	832	9
Non- MA	254	245	(9)	284	300	16
Avg days In Detention (Children)	**22**	**161**	**139**	**81**	**87**	**6**
IMA	0	118	118	89	92	3
Non- MA	22	204	182	74	81	7
Escapes (Since July 2013)	**71**	**82**	**11**	**83**	**84**	**1**
IMA	31	31	0	31	31	0
Non- MA	40	51	11	52	53	1
Deaths (Since July 2013)	**11**	**13**	**2**	**14**	**14**	**0**
IMA	8	8	0	8	8	0
Non- MA	3	5	2	6	6	0

Christmas Island	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Occupancy	**281**	**239**	**(42)**	**139**	**109**	**(30)**
IMA Adult Males	78	78	0	46	33	(13)
Non- MA Adult Males	203	161	(42)	93	76	(17)
s501 Character Cancellations	146	119	(27)	66	52	(14)
Avg days in Detention	**637**	**820**	**183**	**833**	**787**	**(46)**
IMA	1,062	1,246	184	1,260	1,152	(108)
Non- MA	474	613	139	621	629	8
Escapes (Since July 2013)	**3**	**3**	**0**	**3**	**3**	**0**
IMA	3	3	0	3	3	0
Non- MA	0	0	0	0	0	0
Deaths (Since July 2013)	**1**	**1**	**0**	**1**	**1**	**0**
IMA	1	1	0	1	1	0
Non- MA	0	0	0	0	0	0

Onshore Incident Categories (as at 31 July June 2018)

Categories	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Total	**16,530**	**20,286**	**3,756**	**1,347**	**1,840**	**493**
Critical	42	47	5	5	7	2
Major	7,948	4,178	(3,770)	359	248	(111)
Minor	8,540	16,061	7,521	983	1,585	602
Types						
Abusive/Aggressive Behaviour	1,047	1,092	45	128	117	(11)
Food/Fluid Refusal	62	246	184	3	2	(1)
Self Harm - Actual	290	186	(104)	23	6	(17)

Held Detention Populations[(1)(2)(3)(4)]

Facility	IMA Population	Non-IMA Population	Total Population	Operational Capacity	Contingency Capacity	DSP Contract Bandwidth[(5)]	Capacity Rating
North West Point	33	76	**109**	348	704	251 - 500	Operational
Perth IDC	3	28	**31**	34	40	26 - 50	Operational
Yongah Hill IDC	73	218	**291**	258	304	251 - 500	Contingency
Adelaide ITA	9	12	**21**	25	40	1 - 25	Operational
Broadmeadows Residen ial APOD	6	0	**6**	29	32		Operational
Maribyrnong IDC	20	109	**129**	113	133	76 - 100	Surge
Melbourne ITA & ITA3	49	73	**122**	101	119	151 - 250	Operational
Villawood IDF	103	396	**499**	480	599	251 - 480	Operational
Brisbane ITA	24	87	**111**	113	133	51 - 76	Operational
Northern APOD	0	1	**1**	44	44		Operational
Alternate Place of Detention	1	1	**2**	N/A	N/A	N/A	
Total	**321**	**1,001**	**1,322**	**1,545**	**2,148**		

[1] Immigration detention centres operate in a dynamic environment. It can take several days for action taken on the ground to be reflected in DIBP systems. All figures are subject to change on a daily basis.

[2] Capacity information can change depending on the configuration of accommodation and the cohorts within a facility.

[3] All figures within this report are based on DIBP operational data.

[4] Some children may be reported in an IDC as recorded in DIBP systems, although they are technically accommodated in an APOD.

[5] This field represents the expected occupancy rate (determined by the Department) for the current month. The contract provides sufficient bandwidth to cover all facilities at their maximum contingency capacity utilisation.

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Residence Determination & BVE

Weekly statistics are correct as at COB 22 August 2018 unless specified

IMAs in the Community

	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Bridging Visa Category E - In Effect	20,138	15,890	(4,248)	15,220	15,177	(43)
Bridging Visa Category E - Ceased	2,005	1,530	(475)	1,628	1,621	(7)
Residence Determination	537	355	(182)	378	378	0

IMA Bridging Visa Category E

	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Total IMAs	**22,143**	**17,420**	**(4,723)**	**16,848**	**16,798**	**(50)**
In Effect	20,138	15,890	(4,248)	15,220	15,177	(43)
IMA BVE with working rights	20,111	15,864	(4,247)	15,195	15,150	(45)
Dependants	3,527	2,845	(682)	2,720	2,713	(7)
Ceased - In Community	2,005	1,530	(475)	1,628	1,621	(7)
IMA Final Departure BVE[1]	N/A	654	N/A	661	661	0
Adult IMA BVE in effect with a Code of Behaviour Condition	16,387	12,829	(3,558)	13,135	13,099	(36)
Signed Code of Behaviour forms received	21,136	19,798	(1,338)	19,555	19,545	(10)

Residence Determination

	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Minors[2]	203	168	(35)	178	178	0
UAMs	14	8	(6)	7	7	0
RD Revoked (Since July 2013)	156	165	9	166	166	0

Cohorts In Residence Determination

	As at 30-Jun-2017	As at 30-Jun-2018	Variance	As at 15-Aug	As at 22-Aug	Weekly movement
Total in RD[2]	**553**	**368**	**(185)**	**392**	**392**	**0**
IMA Adult Males	198	98	(100)	105	105	0
IMA Adult Females	146	99	(47)	106	106	0
IMA Minors	193	158	(35)	167	167	0
Non- MAs	16	13	(3)	14	14	0

[1] Figures include IMA BVE holders who are finally determined and have been granted a BVE on departure grounds or part of the reminder to apply project and have not yet lodged.

[2] This number is inclusive of both IMA s and Non-IMA s.

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[redacted]

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IMA Removals & Returns

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Onshore IMA Removals & Returns[1]

Onshore	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2017-18	Variance
Onshore Returns and Removals	**410**	**463**	**53**	**42**	**55**	**13**
Voluntary Removals	95	135	40	9	15	6
Involuntary Removals	18	28	10	1	4	3
Voluntary Returns	290	297	7	32	35	3
Onshore Crew Removals	7	3	(4)	0	1	1

Offshore IMA Removals & Returns

Offshore	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Offshore Returns and Removals	**68**	**402**	**334**	**7**	**85**	**78**
Voluntary Returns	62	95	33	7	5	(2)
Involuntary Removals	4	14	10	0	0	0
Third Country Settlement[2]	2	293	291	0	80	80

[1] Please note that reporting in relation to IMA assisted or managed departures (including returns from the community and removals from immigration detention) has changed. As part of its program of statistical improvement, the Department has automated its production of statistics on IMA returns/removals. The transition has resulted in a change to the previously reported figures. The reported figures were extracted from DIBP systems as at **9 August 2018**.

[2] Third country settlement includes refugees settled in Cambodia, Canada and the United States of America.

Note that the historical figures for previous financial years have been refreshed and updated at the commencement of the current program year. As a result, due to retrospective data entries or systems corrections; and recent improvement to methodologies in the extraction of system data, the figures will differ from those previously reported.

Return Services

	Departures (No.) - YTD			Re-Integration Assistance ($) - YTD		
	2017-18	2018-19	Variance	2017-18	2018-19	Variance
Onshore	**38**	**35**	**(3)**	**$126,100**	**$106,500**	**($19,600)**
Offshore	**7**	**6**	**(1)**	**$175,000**	**$150,000**	**($25,000)**
Nauru	0	0	0	$0	$0	$0
Manus	7	6	(1)	$175,000	$150,000	($25,000)

Key Observations

Rapid Departure Assistance service (RDA)

The Rapid Departure Assistance service, delivered by the International Organisation for Migration as part of their existing returns services, is only available to transferees in the Regional Processing Centres and was implemented on 30 May 2014. This service provides an increased amount of financial assistance for individuals, compared to the assistance available to those returning from an onshore location. The increased costs associated with the implementation of RDA offshore accounts for the increase in costs across the program, despite a drop in the number of comparative returns from Manus Island and Nauru. Allowances are provided on a GDP per capita, country-specific basis and consist of cash and in-kind assistance.

Voluntary Departure Assistance service (VDA)

The Voluntary Departure Assistance service is only available to transferees in the Regional Processing Centres, and was implemented on 11 July 2014. This is a departmental service and facilitates departure for those transferees who wish to return home, but who the International Organization for Migration are unable to assist. Voluntary Departure Assistance allowances are cash allowances only and are structured on a GDP per capita, country-specific basis. Therefore, the amount of assistance provided through VDA is less than that which is offered under RDA due to the unavailability of in-kind assistance.

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Legacy Caseload

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Remaining in the IMA Legacy Caseload

	Fast Track	Non-Fast Track	Total
Total Applications Onhand	**11,199**	**707**	**11,906**
TPV Applications Onhand	**1,291**	**335**	**1,626**
Onhand Primary	1,128	56	**1,184**
Onhand Review[1]	147	239	**386**
Remitted Awaiting Decision	16	40	**56**
SHEV Applications Onhand	**9,908**	**372**	**10,280**
Onhand Primary	9,062	115	**9,177**
Onhand Review[1]	774	257	**1,031**
Remitted Awaiting Decision	72	0	**72**

Primary Decisions[2]

	Fast Track	Non-Fast Track	Total
Grants	**9,307**	**1,499**	**10,806**
TPV Grant	1,761	1,042	**2,803**
SHEV Grant	7,546	457	**8,003**
Refusals	**5,344**	**3,233**	**8,577**

Review Outcomes[2]

	Fast Track	Non-Fast Track	Total
Remitted	593	2,421	**3,014**
Affirmed	3,872	1,961	**5,833**

Finally Determined Decisions[2]

	Fast Track	Non-Fast Track	Total
Grants	**9,811**	**3,722**	**13,533**
TPV Grant	1,907	3,257	**5,164**
SHEV Grant	7,904	465	**8,369**
Refusals	**3,536**	**1,853**	**5,389**
At Judicial Review	2,951	469	**3,420**
Not at Judicial Review	585	1,384	**1,969**
Excluded Fast Track[3]	**50**	**0**	**50**

Notes:
All eligible IMAs have had pre-application processing completed, including s46A bar lifts and invitations to apply letters sent. Statistics relating to IMA Legasy Caseload differ from the statistics relating to IMAs generally. The IMS Legacy Caseload excludes cohorts such as those finally determined to be granted or refused a visa.

Additional Information (cumulative)

	Fast Track	Non-Fast Track	Total
Born to IMA	**1,511**	**127**	**1,638**
Removal/Returns	**323**	**1,138**	**1,461**
Voluntary Removals	46	307	**353**
Involuntary Removals	7	82	**89**
Voluntary Returns	270	749	**1,019**
Deceased	**15**	**33**	**48**

Detention Status[4]

	BVE in Community[5]	Held Detention[6]	Residence Determination
Onhand Primary	10,184	45	15
Remitted Awaiting Decision	105	19	0
Finally Determined Refusal	4,104	150	15

[1] Includes IMAs who are 'in the review window' where relevant.
[2] Includes protection outcomes since 19 September 2013.
[3] Represents IMAs at various stages of processing who have been excluded from merits review.
[4] Excludes a small number of IMAs on Temporary Humanitarian Stay (subclass 449) or Temporary Humanitarian Concern (subclass 786) visas who have not yet lodged, are currently in the process or have already been finally determined.
[5] BVE in community includes IMAs who previously held a BVE and are now undergoing a re-grant process.
[6] Includes IMAs who are in correctional facilities.

Key Points

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Humanitarian Program

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Humanitarian Program

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	Actual	Pro-Rata Target	Variance
Total Humanitarian Program	**13,760**	**16,250**	**2,490**	**696**	**N/A**	**N/A**
Total Offshore	**12,049**	**14,825**	**2,776**	**601**	**N/A**	**N/A**
Refugee	6,642	7,909	1,267	453	N/A	N/A
Vulnerable Women and Children	39	2,126	2,087	75	N/A	N/A
Special Humanitarian Program (SHP)	5,407	6,916	1,509	148	N/A	N/A
Total Onshore[1]	**1,711**	**1,425**	**(286)**	**95**	**N/A**	**N/A**

[1] Only includes program coutable 866 visas

Note: Data is taken from live systems and may vary from previously reported figures.

Humanitarian Program - Onshore / Offshore

	Year to Date		
	Onshore	Offshore	Total
Lodgements	1,541	5,439	6,980
Onhand	22,895	58,111	81,006
Grants	95	601	696
Refused / Other	44	3,386	3,430

Offshore Grants

Offshore Program - Top Countries of Birth	
Congo (DRC)	195
Iraq	102
Eritrea	79
Myanmar	65
Burundi	34

Vulnerable Women and Children - Top Countries of Birth	
Iraq	61
Congo (DRC)	6
Eritrea	6
Republic	1
Burundi	1

Top Religious Groups	
Christian	407
Islam	128
Other	56
Buddhist	10

Top Ethnicities	
Congo	133
Tigrinya (Ethiopean/ Eritrean)	57
Bembe	49
Iraqi	44
Kurdish	43

Age	
<18 years of age	297
>18 years of age	304

Gender	
Female	307
Male	294

Offshore Onhand

Refugee			
Country of Birth	UNHCR referred	Not UNHCR referred*	Total
Iraq	338	12,219	12,557
Syria	914	6,553	7,467
Congo (DRC)	1,387	129	1,516
Afghanistan	241	756	997
Eritrea	187	519	706
Yemen	0	693	693
Saudi Arabia	4	559	563
Myanmar	276	100	376
Sudan	39	299	338
Ethiopia	156	146	302
Other	422	1,326	1,748
Total	**3,964**	**23,299**	**27,263**

*Not UNHCR referred applicants include In-country and self-referred applications, which are usually refused. Mission is unable to access most in-country applicants for interviewing. Self-referred applicants do not usually hold reliable identity documents e.g. UNHCR registration card.

Special Humanitarian Program			
Country of Birth	P1 & P2	P3, P4 & P5	Total
Iraq	10,399	3,193	13,592
Myanmar	2,979	4,663	7,642
Syria	3,058	506	3,564
Afghanistan	962	316	1,278
Congo (DRC)	987	247	1,234
Ethiopia	573	124	697
Eritrea	391	162	553
Bhutan	246	190	436
Iran	237	118	355
Burundi	263	28	291
Other	682	524	1,206
Total	**20,777**	**10,071**	**30,848**

P1	SHP Split Family
P2	Close Family
P3	Other Family
P4	Other Offshore and IMA links
P5	UHM IMA

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Compliance & Status Resolution

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Compliance & Status Resolution - Integrity Activities[1]

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Program Integrity Activities						
Source Informa ion (dob-ins/allegations)	25,464	16,127	(9,337)	1,455	565	(890)
Field Actions - Visited/Executed[2]	4,407	3,765	(642)	321	205	(116)
Locations[3]	15,885	14,750	(1,135)	1,252	1,348	96
Employer Compliance/Sanctions Activities						
Location of Illegal Workers[3]	2,268	2,389	121	204	165	(39)
Employer Awareness Activities[4]	979	1,230	251	86	165	79
New VEVO registra ions	10,627	10,324	(303)	892	987	95
VEVO organisation checks	3,498,368	4,768,896	1,270,528	318,581	453,466	134,885
VEVO self checks	4,558,070	6,693,804	2,135,734	512,514	656,873	144,359
Illegal Worker Warning Notices (IWWNs)	396	310	(86)	24	35	11

Compliance & Status Resolution - Population[1]

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
People entering the CCR Population[5]						
Total Visa Cancellations[6]	57,161	57,440	279	6,069	5,120	(949)
Visa Cancellations - s501: Character[6,7]	1,337	954	(383)	69	77	8
Visa Cancellations - BVE	232	191	(41)	22	12	(10)

	Financial Year		Year to Date	
	As at 30-Jun-2017	As at 30-Jun-2018	As at 31-Jul-2017	As at 31-Jul-2018
The CCR Population				
Compliance cases managed in the community (BVE)[8]	11,369	12,348	11,508	12,445
	As at 30-Jun-2017	As at 30-Jun-2018	As at 31-Mar-2017	As at 31-Mar-2018
Compliance cases managed in detention[8]	859	N/A	857	1,004
Estimate of Unlawful Non-Citizens in Australia[9]	62,900	62,900		

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
People leaving the CSR Population[10]						
Compliance Departures from the Community[11]	7,645	6,857	(788)	528	637	109
Compliance Removals from Detention[12]	6,948	7,083	135	546	483	(63)

[1] Figures were extracted from Departmental systems **on 9 August 2018**. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting. Note that the historical figures for previous financial years have been refreshed and updated at the commencement of the current program year. As a result, due to retrospective data entries or systems corrections; and recent improvement to methodologies in the extraction of system data, the figures will differ from those previously reported.

[2] Figure includes General field actions and Employer Awareness visits.

[3] Some non-citizens may have been located more than once in any given program year. Each location event is counted.

[4] Employer Awareness activities includes field visits and administrative actions - Employer awareness field visits are also included as part of 'Field Actions - Visited/Executed'.

[5] This does not include all persons entering the CCR Population as there are other factors and cohorts that lead into the CCR Population aren't reflected

[6] The figures include all onshore/offshore visa cancellations. A visa may be recorded as cancelled more than once: An example of a visa being recorded as cancelled more than once is if the visa is cancelled, and the cancellation is subsequently revoked or set aside (this may occur for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc.), and then the visa is cancelled again. Duplicates may also exist.

[7] Figures includes consequential cancellations under s501F following an s501 visa refusal decision.

[8] This figure excludes IMAs, IMA crew, IMA BVEs, Illegal Foreign Fishers and other unauthorised arrivals.

[9] Due to data availability this figure can only be provided yearly. There are known errors in the Estimate of Unlawful Non-Citizens and numbers are provided as an estimate only. Numbers are rounded which can result in rounding errors.

[10] Please note that SRS reporting in relation to assisted/managed departures and resolutions populations has changed, due to recently implemented improvements to methodologies for producing these datasets. As a result, historical figures will differ from those previously reported. Figures in this table account for onshore assisted/managed departure only and does not include departures of non-citizens from Offshore Processing Centres.

[11] Figures include IMA returns from the community.

[12] Figures include IMAs, illegal foreign fishers (IFFs) and border turnarounds (sea and air arrivals who were not immigration cleared).

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Home Affairs Weekly Statistics

Temporary Entrants, Migration & Citizenship

Monthly statistics are correct as at COB 30 June 2018 unless specified

Migration Program (not to be released publically)

	Financial Year			Year to Date		
	2015-16	2016-17	Variance	2017-18	Planning Level	Variance
Migration and Child Program	**189,770**	**183,608**	**(6,162)**	**162,417**	**N/A**	**N/A**
Migration Program	**186,258**	**180,208**	**(6,050)**	**159,067**	**186,515**	**(27,448)**
Family	57,400	56,220	(1,180)	47,732	57,400	(9,668)
Partner	47,825	47,825	0	39,799	47,825	(8,026)
Parents	8,675	7,563	(1,112)	7,371	8,675	(1,304)
Other Family	900	832	(68)	562	900	(338)
Skill	128,550	123,567	(4,983)	111,099	128,550	(17,451)
Employer-Sponsored	48,250	48,250	0	35,528	48,250	(12,722)
General Skilled	72,840	67,857	(4,983)	68,111	72,840	(4,729)
Business Innovation	7,260	7,260	0	7,260	7,260	0
Distinguished Talent	200	200	0	200	200	0
Special Eligibility	308	421	113	236	565	(329)
Child	**3,512**	**3,400**	**(112)**	**3,350**	**N/A**	**N/A**

Citizenship (as at 31 July 2018)

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Citizenship Conferral Lodgement	201,250	238,593	37,343	10,422	12,542	2,120
Citizenship Acquisitions	137,750	80,562	(57,188)	12,084	9,007	(3,077)
Descent Lodgements	21,311	20,088	(1,223)	1,571	1,675	104
Evidence Lodgements	48,943	44,819	(4,124)	4,152	3,078	(1,074)

Temporary Visa Grants*

	Financial Year			Year to Date		
	2015-16	2016-17	Variance	2016-17	2017-18	Variance
Temporary	**7,741,638**	**8,411,187**	**669,549**	**8,411,187**	**8,694,048**	**282,861**
Crew and Transit	345,873	352,394	6,521	352,394	351,516	(878)
New Zealand	1,850,308	1,921,561	71,253	1,921,561	1,856,614	(64,947)
Other Temporary	4,438	4,822	384	4,822	13,074	8,252
Student	310,845	343,035	32,190	343,035	378,292	35,257
Temporary Resident (Other)	130,807	145,100	14,293	145,100	180,459	35,359
Temporary Resident (Skilled)	85,611	87,580	1,969	87,580	64,470	(23,110)
Visitor	4,799,173	5,345,684	546,511	5,345,684	5,639,167	293,483
Working Holiday Maker	214,583	211,011	(3,572)	211,011	210,456	(555)

* From 1 July 2017 figures include subclass 773 Border visas.

Temporary Visa Holders in Australia

	as at			as at		
	30-Jun-16	30-Jun-17	Variance	30-Jun-17	30-Jun-18	Variance
Temporary	**1,839,958**	**1,943,130**	**103,172**	**1,943,130**	**2,050,232**	**107,102**
Bridging Visa	119,368	137,420	18,052	137,420	176,216	38,796
Crew and Transit	13,608	13,428	(180)	13,428	13,075	(353)
New Zealand	660,182	665,394	5,212	665,394	673,198	7,804
Other Temporary	3,222	3,760	538	3,760	4,691	931
Student	401,423	443,798	42,375	443,798	486,934	43,136
Temporary Resident (Other)	71,749	89,280	17,531	89,280	109,730	20,450
Temporary Resident (Skilled)	170,585	161,413	(9,172)	161,413	147,339	(14,074)
Visitor	262,445	294,368	31,923	294,368	304,140	9,772
Working Holiday Maker	137,376	134,269	(3,107)	134,269	134,909	640

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Illicit Goods

Monthly statistics are correct as at COB 30 June 2018 unless specified

Drugs

s47E(d)

Detections	Financial Year			Year to Date		
	2015-16	2016-17	Variance	2016-17	2017-18	Variance
s47E(d)						
Total Major Drugs	18,240	24,101	5,861	24,101	27,508	3,407
s47E(d)						
Total Drugs	37,960	43,415	5,455	43,415	42,872	(543)

s47E(d)

Final Weight (kg)	Financial Year			Year to Date		
	2015-16	2016-17	Variance	2016-17	2017-18	Variance
s47E(d)						
Total Major Drugs	5,075.72	6,219.75	1,144.03	6,219.75	11,740.18	5,520.43

* A detection may be determined from either confirmatory or presumptive tests. This information is sourced from transactional systems.

s47E(d)

[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.

[b] ATS detections include methamphetamine and amphetamine but excludes MDMA (ecstasy).

[c] PIED detections include steroids, DHEA (dehydroepiandrosterone / prasterone) and hormones.

[d] On 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. Data is typically available 1 month after the end of each reporting period.

Undeclared Currency (Traveller) (as at 31 July 2018)

s47E(d)

	Financial Year			Year to Date		
s47E(d)						
Total	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Number of detections*	748	781	33	51	103	52
Value ($m)	17.16	19.04	1.88	0.94	2.51	1.57

* Detections of undeclared currency do not include instances of detections under $10,000; fines issued as well as where no value amounts have been recorded. This information is sourced from transactional systems. The value of detections include all monies on a person such as pockets wallet carry-on bags envelopes and checked-in bags. All foregin currencies are converted to AUD. All amounts are totalled and recorded.

s47E(d)

Note: Data is taken from live systems and may vary from previously reported figures. Data is typically available 1 month after the end of each reporting period.

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Illicit Goods

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Tobacco Detections

s47E(d)

	Financial Year			Year to Date			s47E(d)
s47E(d)							
Total							
Number of detections^	61,304	112,124	50,820	6,658	15,976	9,318	
Tobacco (tonnes)	169.13	217.90	48.78	6 50	9.35	2.85	
Cigarette sticks (millions)	233.83	238.43	4.60	33 99	11.42	(22.57)	
Duty Evaded ($m) (ex GST)	268.81	356.84	88.03	26 00	16.69	(9.31)	
Equivalent Weight (tonnes)**	356.19	406.45	50.26	33.69	18.20	(15.49)	

* Preliminary detections are based on indicative uncleansed data which may be subject to further revision. The figures may not fully reflect detections by the ABF across illicit goods classes as the Department does not currently report on pre or post-border detections.

** Equivalent weight represents the total weight of loose leaf tobacco detections together with the total weight of cigarette sticks (calculated using an average weight per stick).

^ The number of detections may be more than stated due to current recording practices. For example, one detection could be a 'bin' or a 'pallet' etc.

Note: Data is taken from live systems and may vary from previously reported figures. Data is typically available 1 month after the end of each reporting period.

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Illicit Goods

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Detections* of Undeclared Conventional** Firearms, Parts & Accessories

s47E(d)

s47E(d)

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Total Detections	**1,712**	**2,011**	**299**	**29**	**136**	**107**
Released	1,066	985	(81)	12	2	(10)
Re-Exported	0	2	2	0	1	1
Disposed	485	172	(313)	12	0	(12)
Still in Store	161	852	691	5	133	128

* A detection relates to the number of items actually detected. This information is sourced from transactional systems. Undeclared conventional firearms, parts and accessories detections are 'undeclared detections' not 'seizures'. An imported firearm is considered an 'undeclared detection' when it has been detected and identified by the ABF as a prohibited or restricted firearm and where it has not been declared to the ABF in accordance with the import requirements.

** The term 'conventional' firearms excludes firearm categories such as imitations, airguns, BB guns and paintball guns but includes all other firearms.

*** Preliminary detections are based on indicative uncleansed data which may be subject to further revision. The figures may not fully reflect detections by the ABF across illicit goods classes as the Department does not currently report on pre or post-border detections.

Note: Data is taken from live systems and may vary from previously reported figures. Data is typically available 1 month after the end of each reporting period.

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Interventions

Monthly statistics are correct as at COB 31 July 2018 unless specified

Manage the Lawful Movement of Goods

Air Cargo

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Number of Air Cargo Consignments	41,882,666	50,651,939	8,769,273	3,911,178	4,023,928	112,750
Import Inspection Rate	5.1%	3.6%	(30.3%)	3.2%	4.6%	43.9%
Inspections	2,132,806	1,798,426	(334,380)	124,232	183,880	59,648
Examinations	74,660	117,720	43,060	6,745	8,903	2,158
Detections	5,228	9,397	4,169	443	728	285
Exam Detection Rate	7.0%	8.0%	14.0%	6.6%	8.2%	24.5%

Sea Cargo

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Number of Sea Cargo Manifests	3,180,570	3,348,841	168,271	274,562	282,958	8,396
Import Inspection Rate	2.7%	2.8%	4 2%	3.0%	2.5%	(16.8%)
Inspections	85,389	93,709	8,320	8,170	7,004	(1,166)
Examinations	9,121	9,297	176	867	759	(108)
Detections	950	795	(155)	78	70	(8)
Exam Detection Rate	10.4%	8.6%	(17.9%)	9.0%	9.2%	2.5%

International Mail (as at 30 June 2018)

	Financial Year			Year to Date		
	2015-16	2016-17	Variance	2016-17	2017-18	Variance
Inspections	57.3 (m)	58 5 (m)	1.2 (m)	58.5 (m)	54.6 (m)	(3.9 m)
Examinations	211,744	227,444	15,700	227,444	262,912	35,468
Detections	67,537	81,282	13,745	81,282	84,866	3,584
Exam Detection Rate	31.9%	35.7%	12.0%	35.7%	32.3%	(9.7%)

Travellers

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Total Air Travellers Movements	**40,856,915**	**43,176,871**	**2,319,956**	**3,749,296**	**3,940,925**	**191,629**
Arrivals	20,561,763	21,711,185	1,149,422	2,005,196	2,113,409	108,213
Departures	20,295,152	21,465,686	1,170,534	1,744,100	1,827,516	83,416
Total Automated Border Movements	**24,218,917**	**25,972,591**	**1,753,674**	**2,226,638**	**2,343,435**	**116,797**
Automated Border arrivals	9,583,489	10,273,025	689,536	949,909	998,958	49,049
Automated Border departures	14,635,428	15,699,566	1,064,138	1,276,729	1,344,477	67,748
% of travellers cleared within 30 minutes	91.0%	92.2%	1.4%	91.3%	90.9%	(0.4%)
Total traveller arrivals refused immigration clearance	3,966	4,324	358	387	333	(54)
Interventions						
Examinations	91,108	85,569	(5,539)	6,725	8,270	1,545
Detections	10,573	10,162	(411)	873	938	65
Total Sea Travellers Movements	**2,874,697**	**2,847,521**	**(27,176)**	**170,385**	**126,075**	**(44,310)**
Arrivals	1,430,192	1,417,983	(12,209)	85,952	61,954	(23,998)
Departures	1,444,505	1,429,538	(14,967)	84,433	64,121	(20,312)

Detector Dog Program

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Taskings	16,186	15,626	(560)	1,861	1,159	(702)
Detections	1,974	2,550	576	176	185	9

Asbestos

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Targeted Shipments	8,643	5,132	(3,511)	708	324	(384)
Examinations	761	376	(385)	24	10	(14)
Detections	63	70	7	8	6	(2)

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Vessel Patrols, Aerial Surveillance & Operations

Monthly statistics are correct as at COB 31 July 2018 unless specified

Vessel Patrol Days

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
ABFC Ocean Shield	316	321	5	29	29	0
ABFC Thaiyak	325	311	(14)	21	28	7
ABFC Patrol Days	1,987	2,036	49	197	202	5
Bay Class	327	256	(71)	28	25	(3)
Cape Class	1,660	1,780	120	169	177	8
Fast Response Boats	N/A	N/A	N/A	N/A	17	N/A

Aircraft Coverage (NM^2)

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Coverage	119.15 (m)	120.79 (m)	1.63 (m)	10.79 (m)	11.02 (m)	0.23 (m)

Illegal Foreign Fishers & Vessels

	Financial Year			Year to Date		
	2016-17	2017-18	Variance	2017-18	2018-19	Variance
Illegal Foreign Fishing Vessels Apprehended	15	14	(1)	0	1	1
Illegal Foreign Fishers Apprehended & Processed	192	58	(134)	0	5	5

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[redacted]

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Immigration Fact Book

Estimates for the period ending 30 June 2018

Overview

The quarterly Immigration Fact Book is produced by the Data Division of the Department of Home Affairs.

This Fact Book provides a regular snapshot of key immigration statistics, including permanent migration, temporary migration and net overseas migration. The report also includes information on Bridging visa holders and unlawful non-citizens in Australia.

Information in this Fact Book is suitable for public release unless otherwise stated.

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Immigration Fact Book contacts:

For data queries contact:
portfolio.reporting@homeaffairs.gov.au

For urgent data queries contact:
Chief Data Officer, Steven Davies (02) 6223 9715
Chief Statistician (A/g), Karen McGuigan (02) 6264 1363

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Immigration Fact Book

Permanent migration program

Estimates for the period ending 30 June 2018

Table 1: Permanent migration program (non-humanitarian) by stream

Statistics are not for public release

	Financial Year				
	2013-14	2014-15	2015-16	2016-17	2017-18
Migration Program	**190,000**	**189,097**	**186,258**	**180,208**	**159,067**
Family	**61,112**	**61,085**	**57,400**	**56,220**	**47,732**
Partner [(1)]	47,752	47,825	47,825	47,825	39,799
Parents	8,925	8,675	8,675	7,563	7,371
Child [(2)]	3,850	4,135	n/a	n/a	n/a
Other Family	585	450	900	832	562
Skill	**128,550**	**127,774**	**128,550**	**123,567**	**111,099**
Employer-Sponsored	47,450	48,250	48,250	48,250	35,528
Employer Nomination Scheme	30,912	35,870	35,981	38,052	29,307
Regional Sponsored Migration Scheme (RSMS)	16,538	12,380	12,269	10,198	6,221
General Skilled	74,740	72,840	72,840	67,857	68,111
Skilled Independent	44,984	43,990	43,994	42,422	39,137
Skilled Regional	5,100	2,800	4,196	1,670	1,574
State/Territory Nominated visa classes	24,656	26,050	24,650	23,765	27,400
Business Innovation	6,160	6,484	7,260	7,260	7,260
Distinguished Talent	200	200	200	200	200
Special Eligibility	**338**	**238**	**308**	**421**	**236**
Child [(3)]	**n/a**	**n/a**	**3,512**	**3,400**	**3,350**
Migration and Child Program	**190,000**	**189,097**	**189,770**	**183,608**	**162,417**

All figures include primary and secondary applicants.
Note 1: Australian citizens, permanent residents and eligible New Zealanders can sponsor family visas, including the partner category. Partner visas are granted in two stages: an initial (temporary or provisional) visa and then a secondary/permanent visa. Statistics split by sponsor type (whether sponsor is citizen, permanent resident or New Zealand citizen) are not currently reported and the feasibility of reporting this data is under investigation.
Note 2: From 2015-16, Child visas (excluding Orphan Relative) are not counted in the family stream of the permanent migration program.
Note 3: From 2015-16 Child places are allocated on demand within the overall permanent migration ceiling of 190,000. This is in response to the Government's commitment to reform and improve the processes relating to inter-country adoption.

Child program

• Child visas are granted to adopted, biological or step children whose parents have acquired Permanent Residence. Child visas are demand driven, unlike other streams of the Permanent Migration Program.
• Since 2015-16 an indicative planning level for Child visas has been included within the overall ceiling of the permanent migration program. In 2017-18, a minimum of 3485 places were provided for Child category migrants outside the managed Migration program.
• In 2017-18, 3,350 Child visas were granted, which accounted for 2.1 per cent of the permanent migration places. Of those Child visas grants 81.3 per cent were located outside Australia.
• Demand for Child visas has remained consistent since moving to a demand driven model.

Top source countries

• Partner visa: top citizenship countries for 2017-18 were China, India, and United Kingdom.
• Child visa: top citizenship countries for 2017-18 were China, the Philippines and India.

Table 2: Permanent humanitarian program by stream

Statistics are not for public release

	Financial Year				
	2013-14	2014-15	2015-16	2016-17	2017-18
Total Humanitarian Program	**13,768**	**13,756**	**17,555**	**21,968**	**16,250**
Total Offshore	**11,016**	**11,009**	**15,552**	**20,257**	**14,825**
Refugee	6,501	6,002	8,284	9,653	7,909
Special Humanitarian Program (SHP)	4,515	5,007	7,268	10,604	6,916
Total Onshore[1]	**2,752**	**2,747**	**2,003**	**1,711**	**1,425**
PV grants to non-IMAs	2,210	2,750	2,002	1,711	1,425
PV grants to IMAs	542	-	<5	-	-

[1] Only includes permanent protection (subclass 866) visas.
Note: Offshore statistics for 2015–16 and 2016–17 in this table include visas granted towards the Annual Humanitarian Programme and the Additional 12,000 places for Syrians and Iraqis.

Supporting information - offshore humanitarian program

• Top citizenship countries for 2017-18 were Iraq, Syria, Myanmar, Congo (DRC), Afghanistan.
• Top ethnicities for 2017-18 were Iraqi, Syrian, Congo, Assyrian, Hazara (Afghani).

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Immigration Fact Book
Permanent migration program (non-humanitarian)

Primary and secondary applicants
Estimates for the period ending 30 June 2018

Table 3a: Permanent migration program (non-humanitarian) - primary applicants only

Statistics are not for public release

	Financial Year				
	2013-14	2014-15	2015-16	2016-17	2017-18
Migration Program	**113,746**	**111,468**	**109,296**	**105,059**	**89,617**
Family	**51,999**	**51,834**	**48,384**	**48,004**	**39,435**
Partner [1]	42,261	42,038	42,283	42,547	34,413
Parents	5,710	5,558	5,503	4,882	4,691
Child [2]	3,746	4,074	n/a	n/a	n/a
Other Family	282	164	598	575	331
Skill	**61,535**	**59,482**	**60,735**	**56,817**	**50,046**
Employer-Sponsored	21,453	22,098	22,091	22,184	16,036
Employer Nomination Scheme	13,572	16,263	16,328	17,433	13,271
Regional Sponsored Migration Scheme (RSMS)	7,881	5,835	5,763	4,751	2,765
General Skilled	38,130	35,356	36,491	32,499	31,903
Skilled Independent	24,936	22,752	23,259	21,667	19,303
Skilled Regional	2,491	1,203	2,275	605	498
State/Territory Nominated visa classes	10,703	11,401	10,957	10,227	12,102
Business Innovation	1,866	1,946	2,076	2,044	2,020
Distinguished Talent	86	82	77	90	87
Special Eligibility	**212**	**152**	**177**	**238**	**136**
Child [3]	**n/a**	**n/a**	**3,501**	**3,390**	**3,338**
Migration and Child Program	**113,746**	**111,468**	**112,797**	**108,449**	**92,955**

Note 1: Australian citizens, permanent residents and eligible New Zealanders can sponsor family visas, including the partner category. Partner visas are granted in two stages: an initial (temporary or provisional) visa and then a secondary/permanent visa. Statistics split by sponsor type (whether sponsor is citizen, permanent resident or New Zealand citizen) are not currently reported and the feasibility of reporting this data is under investigation.
Note 2: From 2015-16, Child visas (excluding Orphan Relative) are not counted in the managed migration program.
Note 3: From 2015-16 Child places are allocated on demand within the overall permanent migration ceiling of 190,000. This is in response to the Government's commitment to reform and improve the processes relating to inter-country adoption.

Table 3b: Permanent migration program (non-humanitarian) - secondary applicants only

Statistics are not for public release

	Financial Year				
	2013-14	2014-15	2015-16	2016-17	2017-18
Migration Program	**76,254**	**77,629**	**76,962**	**75,149**	**69,450**
Family	**9,113**	**9,251**	**9,016**	**8,216**	**8,297**
Partner [1]	5,491	5,787	5,542	5,278	5,386
Parents	3,215	3,117	3,172	2,681	2,680
Child [2]	104	61	n/a	n/a	n/a
Other Family	303	286	302	257	231
Skill	**67,015**	**68,292**	**67,815**	**66,750**	**61,053**
Employer-Sponsored	25,997	26,152	26,159	26,066	19,492
Employer Nomination Scheme	17,340	19,607	19,653	20,619	16,036
Regional Sponsored Migration Scheme (RSMS)	8,657	6,545	6,506	5,447	3,456
General Skilled	36,610	37,484	36,349	35,358	36,208
Skilled Independent	20,048	21,238	20,735	20,755	19,834
Skilled Regional	2,609	1,597	1,921	1,065	1,076
State/Territory Nominated visa classes	13,953	14,649	13,693	13,538	15,298
Business Innovation	4,294	4,538	5,184	5,216	5,240
Distinguished Talent	114	118	123	110	113
Special Eligibility	**126**	**86**	**131**	**183**	**100**
Child [3]	**n/a**	**n/a**	**11**	**10**	**12**
Migration and Child Program	**76,254**	**77,629**	**76,973**	**75,159**	**69,462**

Note 1: Australian citizens, permanent residents and eligible New Zealanders can sponsor family visas, including the partner category. Partner visas are granted in two stages: an initial (temporary or provisional) visa and then a secondary/permanent visa. Statistics split by sponsor type (whether sponsor is citizen, permanent resident or New Zealand citizen) are not currently reported and the feasibility of reporting this data is under investigation.
Note 2: From 2015-16, Child visas (excluding Orphan Relative) are not counted in the managed migration program.
Note 3: From 2015-16 Child places are allocated on demand within the overall permanent migration ceiling of 190,000. This is in response to the Government's commitment to reform and improve the processes relating to inter-country adoption.

Note: The sum of Tables 3a and 3b equal the corresponding figures in Table 1.

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Temporary migration

Estimates for the period ending 30 June 2018

Table 4: Temporary visa grants (flows) by visa major group

Statistics are suitable for public release

	Financial Year				
	2013-14	2014-15	2015-16	2016-17	2017-18
Temporary migration program	**6,814,452**	**7,173,560**	**7,741,638**	**8,411,187**	**8,694,048**
Crew and Transit	322,126	320,521	345,873	352,394	351,516
Other Temporary	4,218	4,459	4,438	4,822	13,074
New Zealanders (subclass 444)	1,762,890	1,798,220	1,850,308	1,921,561	1,856,614
Student	292,060	299,540	310,845	343,035	378,292
Temporary Resident (Other)	104,738	119,817	130,807	145,100	180,459
Temporary Resident (Skilled)	98,571	96,084	85,611	87,580	64,470
Visitor	3,990,254	4,308,107	4,799,173	5,345,684	5,639,167
Working Holiday Maker	239,592	226,812	214,583	211,011	210,456

All figures include primary and secondary applicants.

Additional information

• **Student visa grants:** top citizenship countries for 2017-18 were China, India, Nepal, Brazil and Colombia. Higher education visa grants made up 53 per cent of grants, and vocational education and training sector (VET) made up 24 per cent of grants.

• **Temporary resident (skilled) visa grants:** top citizenship countries for 2017-18 were India, United Kingdom, the Philippines, China and the United States of America. The top nominated occupations for primary applications granted in 2017-18 were Developer Programmer; ICT Business Analyst; University Lecturer; Cook and General Practitioner.

• **New Zealanders** are granted a special category (subclass 444) visa every time they cross the border.

Visa grants

• Visa grants enable a person to travel to Australia. The permissible duration of stay on a visa varies between visas. Most student and temporary resident (skilled) visas allow people to stay for more than 12 months.

• Applications for Student visas have increased in recent years. This growth is driven by universities that actively promote their offerings, seeking new markets and continued growth in existing key markets. Temporary graduate visas have also grown in recent years, with more students becoming eligible.

Table 5: Stock of temporary visa holders in Australia by visa major group

Statistics are suitable for public release

	Temporary entrants in Australia as at				
	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17	30-Jun-18
Number of temporary entrants	**1,699,933**	**1,765,267**	**1,839,958**	**1,943,130**	**2,050,232**
Bridging	94,625	102,219	119,368	137,420	176,216
Crew and Transit	11,744	14,534	13,608	13,428	13,075
Other Temporary	2,793	2,972	3,222	3,760	4,691
New Zealanders (subclass 444)	649,085	653,832	660,182	665,394	673,198
Student	339,761	374,564	401,423	443,798	486,934
Temporary Resident (Other)	54,910	58,831	71,749	89,280	109,730
Temporary Resident (Skilled)	195,083	188,002	170,585	161,413	147,339
Visitor	200,731	226,395	262,445	294,368	304,140
Working Holiday Maker	151,201	143,918	137,376	134,269	134,909

All figures include primary and secondary applicants.

Stock of temporary entrants in Australia

• The stock of temporary visa holders in Australia is a point in time estimate. The stock figures decrease as people depart Australia or increase as people arrive in Australia.

• The stock of students in Australia has increased in recent years, consistent with the ongoing increase in annual student visa grants, which are demand driven. The increase in the stock of students is driven in part by offshore visa grants, but also by people being granted a student visa while in Australia.

Bridging visa holders

The vast majority (84 per cent) of Bridging visa holders are on a Bridging visa A, B or C, while their visa applications are being processed and finalised, which can take 12 months or more. For example, a temporary resident (skilled) visa holder may apply for a permanent skilled visa while onshore. When a valid application is made onshore the applicant is granted a Bridging visa.

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Bridging visa holders

Estimates for the period ending 30 June 2018

Table 6a: Stock of Bridging visa holders in Australia by visa subclass

Statistics are suitable for public release

Bridging Visa Subclass	Bridging visa holders in Australia as at				
	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17	30-Jun-18
Number of Bridging visa holders *	**94,613**	**102,235**	**119,372**	**137,426**	**176,219**
010 Bridging A	44,185	42,517	55,294	73,119	97,652
020 Bridging B	14,859	13,756	15,854	20,505	33,817
030 Bridging C	8,610	8,910	10,318	12,200	16,423
040 Bridging (Prospective Applicant)	15	9	10	<5	<5
041 Bridging (Non-Applicant)	<5	<5	<5	<5	-
050 Bridging (General)	26,859	36,955	37,796	31,499	28,209
051 Bridging (Protection Visa Applicant)	-	-	-	<5	-
060 Bridging F	-	<5	9	10	15
070 Bridging R	83	84	89	89	102

* There are minor differences between the figures reported in this table when compared to Table 5, due to different source data.

Bridging visa holders

The vast majority (84 per cent) of Bridging visa holders are on a Bridging visa A, B or C, while their visa applications are being processed and finalised, which can take 12 months or more. For example, a temporary resident (skilled) visa holder may apply for a permanent skilled visa while onshore. When a valid application is made onshore the applicant is granted a Bridging visa.

Bridging visa A (BVA) (subclass 010) which allows individuals to stay lawfully in Australia while their new application is being processed (in most cases a separate BVA application is not required under the regulations, as their substantive visa application is also an application for a BVA), and can also provide them with lawful status during merits review or judicial review processes;

Bridging visa B (BVB) (subclass 020) may be granted to BVA and BVB holders to enable them to depart or return to Australia during the processing of their application where they have a need to travel. BVB applications can generally be applied for online and are generally granted for up to a maximum of three months. **Note:** There have been previous policy proposals to provide BVAs with a travel facility to avoid the need for a separate BVB to be granted. Such issues were, however, to be considered as part of broader upcoming visa reform.

A Bridging visa C (BVC) (subclass 030) or a Bridging visa E (BE) (subclasses 051 and 050) may be granted to applicants who have an application on hand, but did not hold a substantive visa when they lodged this application and regularises their status. These visas may also be relied upon where visa applicants are seeking merits or judicial review, or are seeking Ministerial Intervention.

Bridging visa D (BVD) (subclasses 040 and 041) provides the visa holder with five days in which to make a substantive visa application (i.e. often where they have attempted to lodge but were unsuccessful).

Bridging visa F (BVF) (subclass 060) is used in the context of unlawful non-citizens who are suspected victims of trafficking to keep them lawful while other options are considered).

Bridging visa R (BVR) (subclass 070) is used to resolve complex cases where the Minister's s195A intervention powers are used.

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Bridging visa holders

Estimates for the period ending 30 June 2018

Table 6b: Stock of Bridging visa holders in Australia by last substantive visa held

Statistics are suitable for public release

Last Visa Held - Visa Category	Bridging visa holders as at				
	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17	30-Jun-18
Number of Bridging visa holders *	**94,613**	**102,235**	**119,372**	**137,426**	**176,219**
Visitor	22,538	25,916	33,505	43,761	63,504
Student	31,468	27,283	31,020	38,848	45,787
Temporary Resident (Skilled)	3,719	5,081	8,941	11,756	16,046
Offshore Humanitarian	3,100	16,758	23,664	19,317	14,741
Temporary Resident (Other)	9,440	6,780	5,364	7,349	13,222
Working Holiday Maker	5,882	5,938	6,862	7,092	10,548
Family	1,946	1,981	2,307	3,233	4,508
Skilled	1,135	1,669	2,031	2,168	2,860
Other Temporary	575	531	491	506	558
Crew and Transit	185	184	194	260	347
Onshore Protection	32	38	44	66	100
Resident Return/ADV	6	10	24	20	36
Child	16	24	24	21	28
Other Permanent	19	17	12	12	12
Special Category	13	23	17	17	10
Travel Authority	7	7	6	7	6
Special Eligibility	-	-	<5	-	<5
Unknown	14,532	9,995	4,863	2,993	3,905

* t is important to note that the information used in this table comes from a new data source. Figures reported in this table differ slightly in Table 5 for Bridging visa holders.

Table 6c: Stock of Bridging visa holders in Australia by last visa applied for

Statistics are suitable for public release

Visa Applied For - Visa Category	Bridging visa holders as at				
	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17	30-Jun-18
Number of Bridging visa holders *	**94,613**	**102,235**	**119,372**	**137,426**	**176,219**
Onshore Protection	15,042	16,638	23,975	39,541	55,369
Family	29,584	31,864	35,961	39,481	48,372
Skilled	11,829	10,748	10,909	15,224	24,448
Student	10,952	7,029	10,739	16,784	19,250
Temporary Resident (Skilled)	4,724	4,482	7,956	11,664	13,606
Temporary Resident (Other)	3,769	2,848	3,094	3,602	5,659
Bridging	16,272	26,222	23,645	7,292	2,819
Working Holiday Maker	667	448	723	446	2,130
Visitor	410	419	441	518	749
Other Temporary	323	292	413	527	660
Child	243	141	217	341	569
Resident Return/ADV	6	8	5	8	32
Other Permanent	39	32	37	24	25
Special Category	<5	<5	<5	<5	<5
Special Eligibility	<5	-	7	-	<5
Crew and Transit	-	-	<5	-	-
Unknown	750	1,063	1,248	1,972	2,525

* t is important to note that the information used in this table comes from a new data source. Figures reported in this table differ slightly in Table 5 for Bridging visa holders.

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Unlawful non-citizens

Estimates for the period ending 30 June 2017

Table 7a: Stock estimate of Unlawful non-citizens [1]

Statistics are suitable for public release

	Unlawful non-citizens as at				
	30-Jun-13	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17
Estimate of UNC	**62,700**	**62,100**	**62,000**	**64,600**	**62,900**

(1) There are known errors in the Estimate of Unlawful Non-Citizens and numbers are provided as an estimate only. Numbers are rounded which can result in rounding errors and Estimate of Unlawful Non-Citizen numbers are only provided yearly.

Note: the estimate of Unlawful non-citizens as at 30 June 2018 is expected to be available mid-August 2018.

Table 7b: Stock estimate of Unlawful non-citizens by visa category [1]

Statistics are suitable for public release

	Unlawful non-citizens as at				
	30-Jun-13	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17
Estimated Total	**62,700**	**62,100**	**62,000**	**64,600**	**62,900**
Visitors	44,800	44,840	44,780	47,020	46,030
Students [2]	10,720	10,060	9,540	9,690	9,360
Working Holiday	1,980	1,900	2,030	1,870	1,690
Temporary Residents	2,140	1,860	2,150	2,270	2,270
Other	2,450	2,800	2,820	3,090	2,930
Bridging Visas	560	600	640	640	590
Migrant	50	30	30	30	20

(1) There are known errors in the Estimate of Unlawful Non-Citizens and numbers are provided as an estimate only. Numbers are rounded which can result in rounding errors and Estimate of Unlawful Non-Citizen numbers are only provided yearly.
(2) Student visa includes visa s/c 580 (Student Guardian)

Table 7c: Stock estimate of Unlawful non-citizens by length of overstay [1]

Statistics are suitable for public release

	Unlawful non-citizens as at				
	30-Jun-13	30-Jun-14	30-Jun-15	30-Jun-16	30-Jun-17
Estimated total	**62,700**	**62,100**	**62,000**	**64,600**	**62,900**
Less than 2 years	18,790	17,220	16,500	18,510	16,280
2 - 10 years	21,110	21,460	21,780	21,830	21,810
10 - 15 years	7,510	7,210	6,330	5,510	5,280
15 years +	15,280	16,210	17,370	18,750	19,520

(1) There are known errors in the Estimate of Unlawful Non-Citizens and numbers are provided as an estimate only. Numbers are rounded which can result in rounding errors and Estimate of Unlawful Non-Citizen numbers are only provided yearly.

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Net Overseas Migration

Estimates for the period ending 31 December 2017

Table 8: Net Overseas Migration by visa major group

Statistics are suitable for public release

	Calendar Year				
	2013	2014	2015	2016	2017 (1)
Total Net NOM (2)	**208,380**	**182,350**	**186,730**	**243,830**	**240,420**
Total Temporary	**125,290**	**130,320**	**141,780**	**168,290**	**184,670**
Student	55,850	77,850	82,290	92,480	103,000
Temporary resident (skilled)	16,660	8,810	11,310	14,160	14,640
Working Holiday Makers	35,100	23,560	22,870	22,110	26,280
Visitor	31,640	34,820	38,660	52,670	53,840
All other temporary visas	-13,960	-14,730	-13,340	-13,110	-13,090
Total Permanent	**75,150**	**68,930**	**68,220**	**83,270**	**72,970**
Skill	30,900	32,260	33,750	35,610	36,510
Family	31,530	25,950	25,800	25,670	22,800
Special Eligibility and humanitarian	13,110	11,480	9,260	22,480	14,520
Other permanent visas	-380	-750	-580	-480	-860
Total Other	**7,950**	**-16,900**	**-23,270**	**-7,730**	**-17,220**
Aust citz	-14,640	-22,410	-26,400	-16,310	-15,640
NZ citz	22,410	7,390	3,740	8,170	4,880
Other visas	180	-1,880	-610	410	-6,460

Estimates as published by the Australian Bureau of Statistics (ABS. Cat. No. 3101 0 Australian Demographic Statistics). These estimates are based on **actual traveller behaviour**.

(1) Estimates for 2017 are preliminary.
(2) Total temporary, total permanent and total other may not sum to total Net NOM due to rounding.

Definition:
Net overseas migration (NOM) is the net gain or loss of population through immigration to Australia and emigration from Australia. It is based on a person being in (or out of) Australia for at least 12 of the last 16 months.

Note:
The growth in NOM is being driven by international students. For example, some students will come to Australia to study a short course. While in Australia they can choose to apply for a further visa. When they make a valid application they are granted a bridging visa.

Additional information

- Negative figures in Table 8 denote more departures than arrivals.
- **Visitor NOM** - is largely driven by people who have entered Australia on a short-term visitor visa and then applied for another visa onshore, such as a student visa.
- **All other temporary NOM** - the subtraction from NOM is driven by the departure of people on bridging visas.

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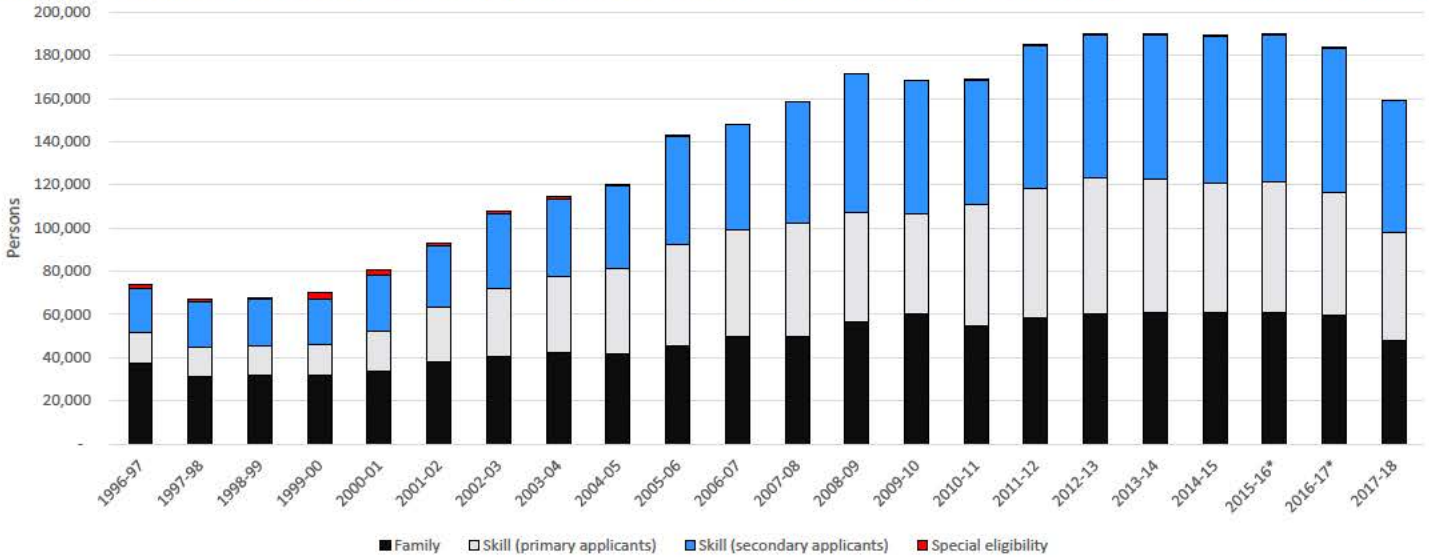
Chart pack - Permanent migration

Annual estimates for the period ending 2017-18

Chart 1: Permanent migration program (non-humanitarian) by stream, 1996-97 to 2017-18

Statistics are not for public release



* For 2015-16 and 2016-17 Family outcomes include Child

Chart 2: Permanent humanitarian program, onshore/offshore, 1996-97 to 2017-18

Statistics are not for public release

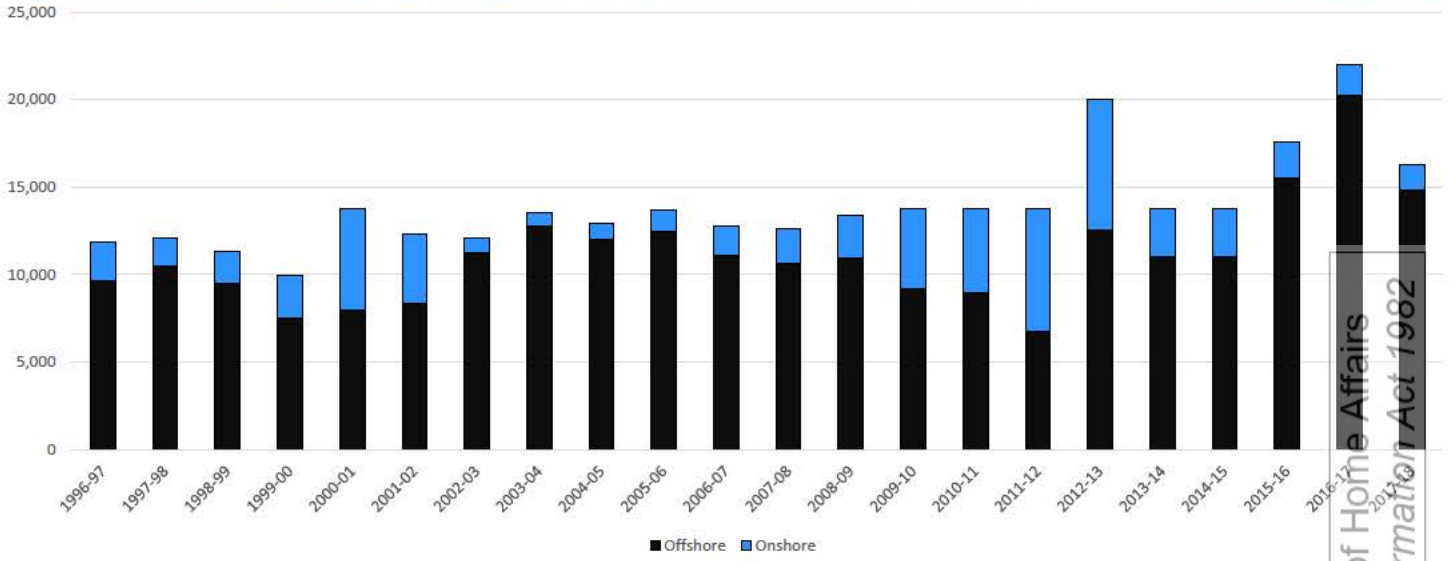


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Chart pack - Temporary migration (visa grants)

Annual estimates for the period ending 2017-18

Chart 3: Temporary visa grants (flows), 2001-02 to 2017-18

Chart is suitable for public release

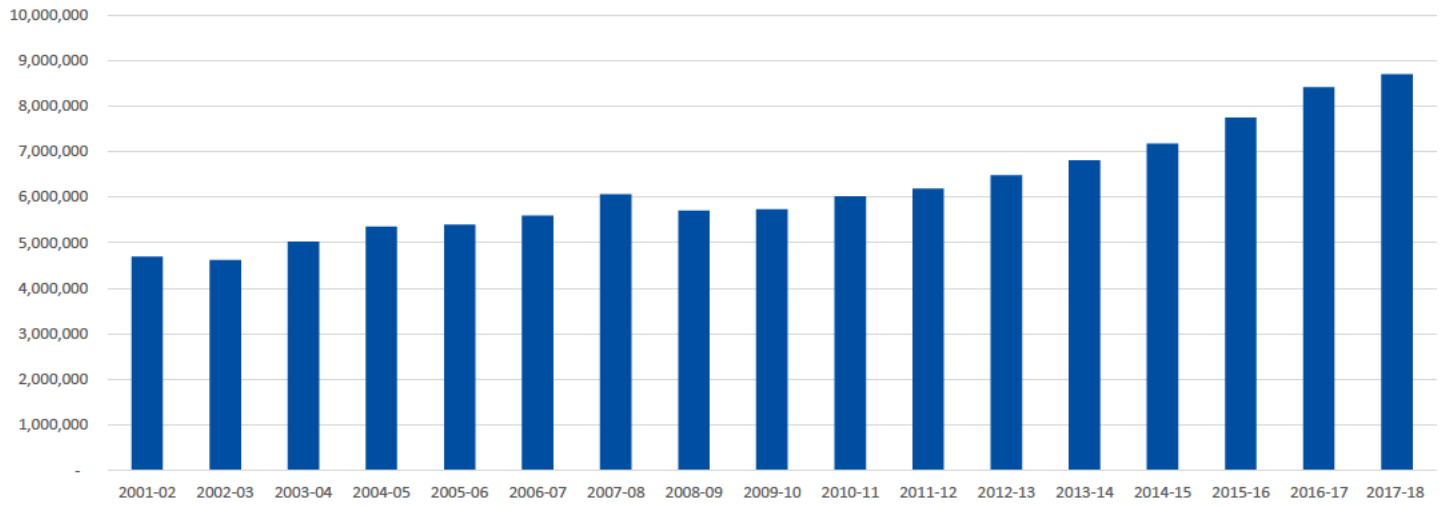

Chart is suitable for public release

Chart 4: Temporary resident (skilled) visa grants (flows), primary/secondary applicants, 2001-02 to 2017-18

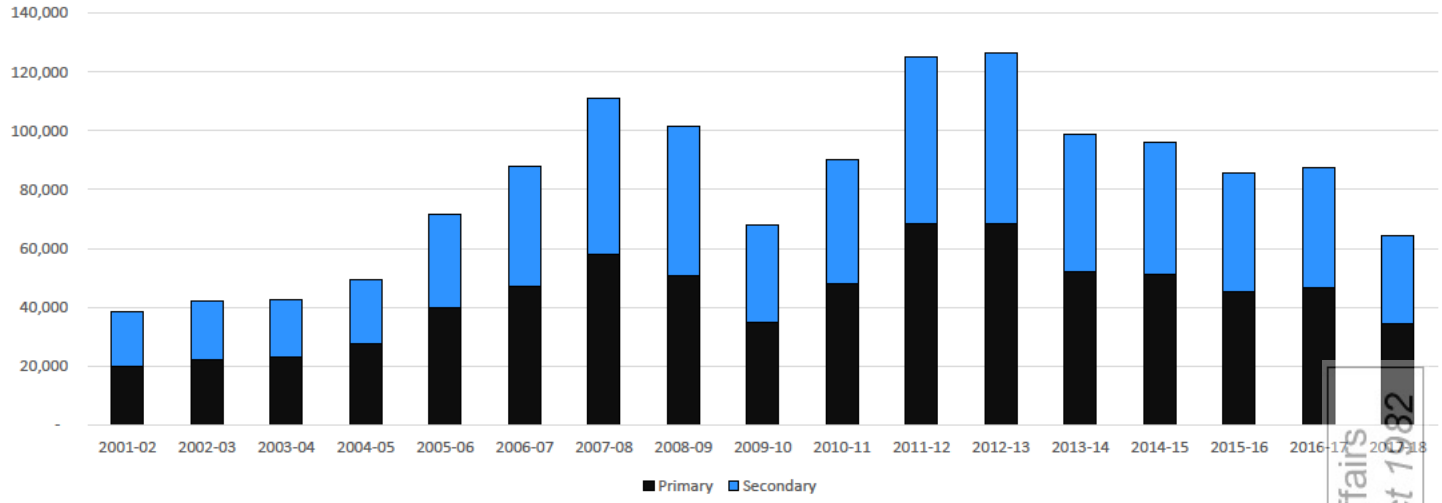

Chart 5: Student visa grants (flows) by sector, 2001-02 to 2017-18

Chart is suitable for public release

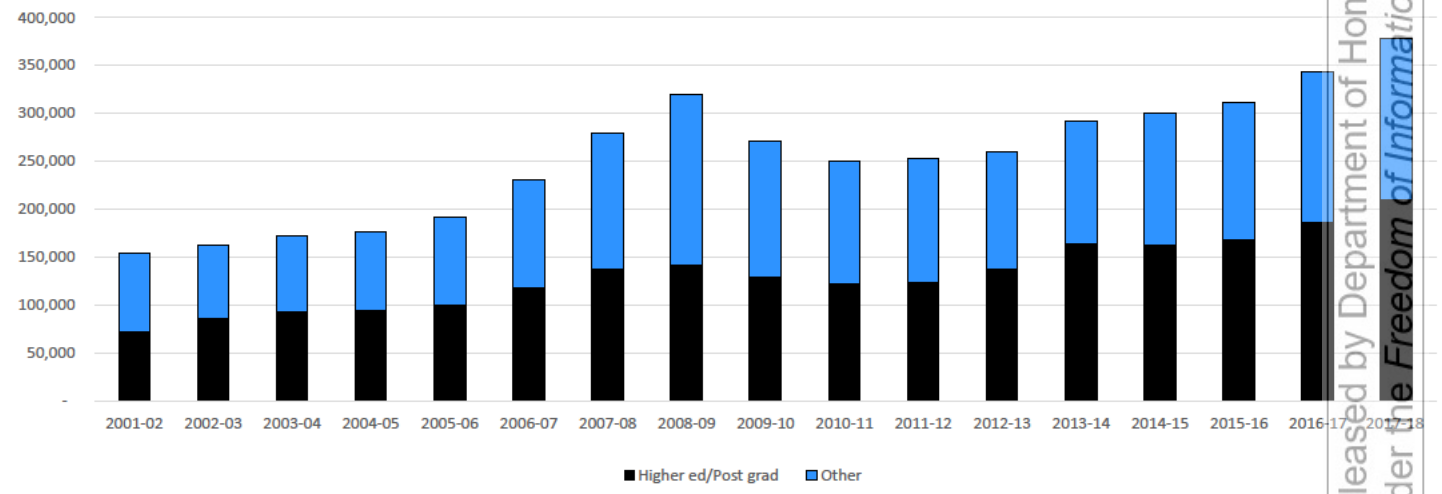

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Chart pack - Stock of temporary migrants

Annual estimates for the period ending 30 June 2018

Chart 6: Stock of temporary visa holders in Australia, as at 30 June, 1998 to 2018

Chart is suitable for public release

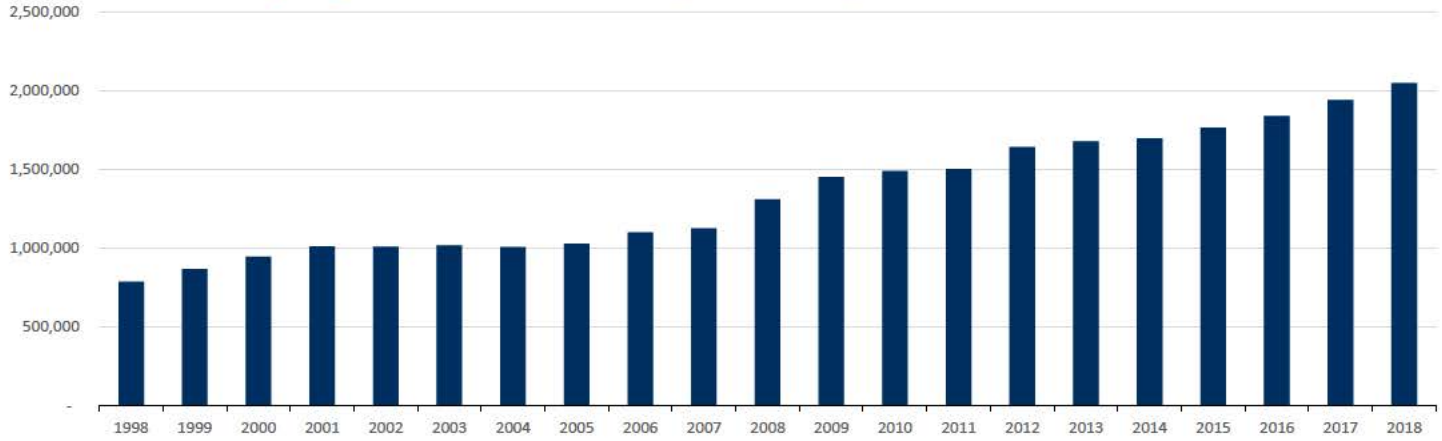

Chart 7: Stock of temporary resident (skilled) visa holders in Australia, primary/secondary applicants, as at 30 June, 1998 to 2018

Chart is suitable for public release

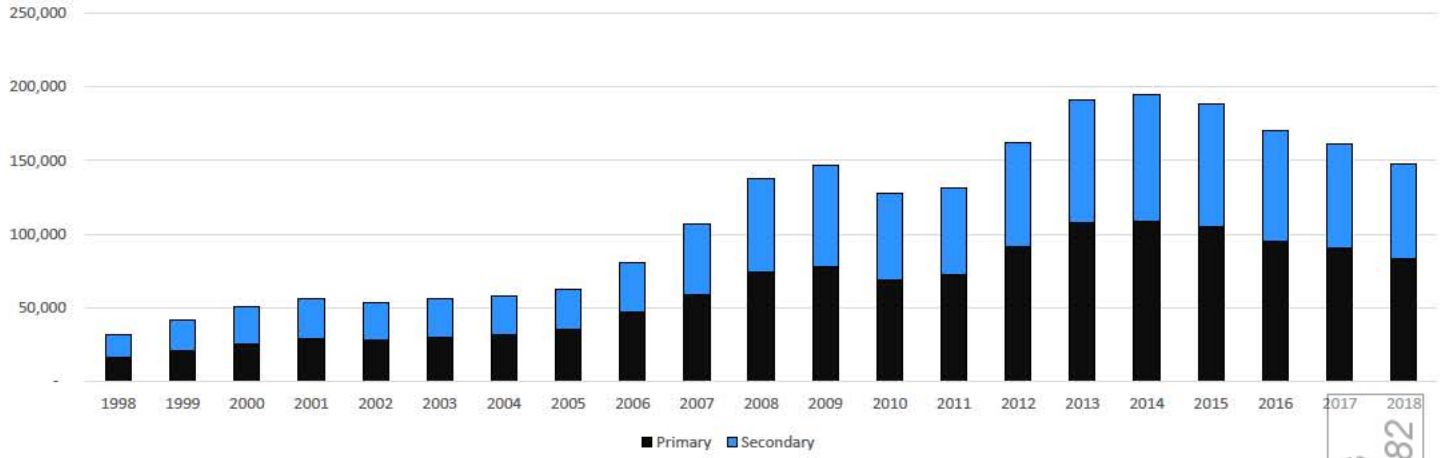

Chart 8: Stock of student visa holders in Australia, as at 30 June, 2002 to 2018

Chart is suitable for public release

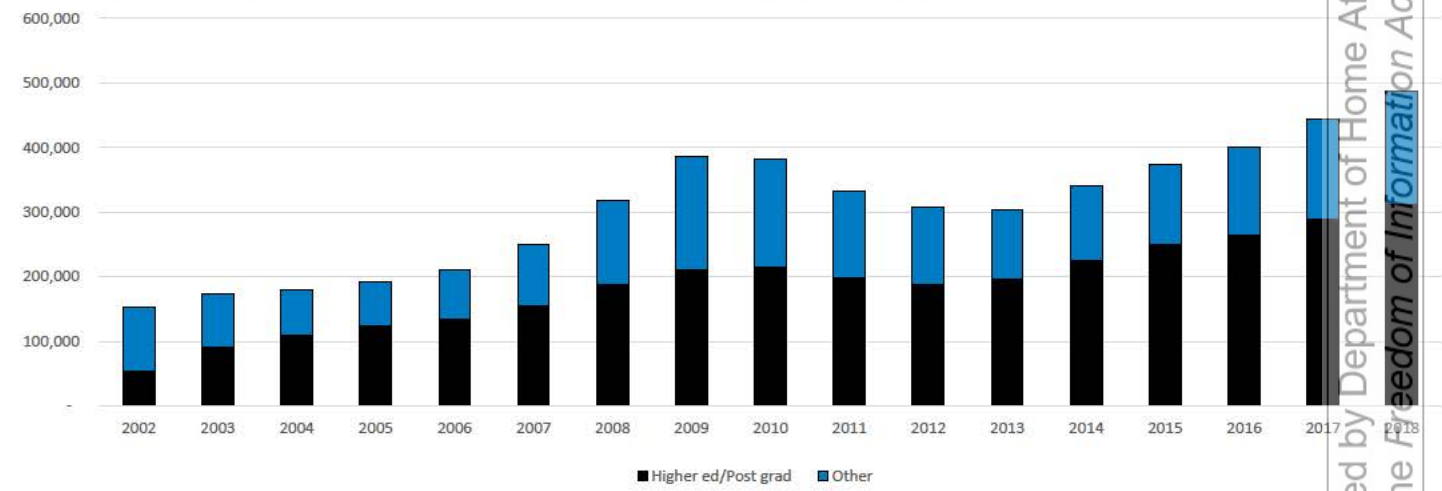

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Chart Pack - Bridging visa holders & UNC

Annual estimates for the period ending 30 June 2018

Chart 9: Stock of Bridging visa holders in Australia as at 30 June, 2007 to 2018

Chart is suitable for public release

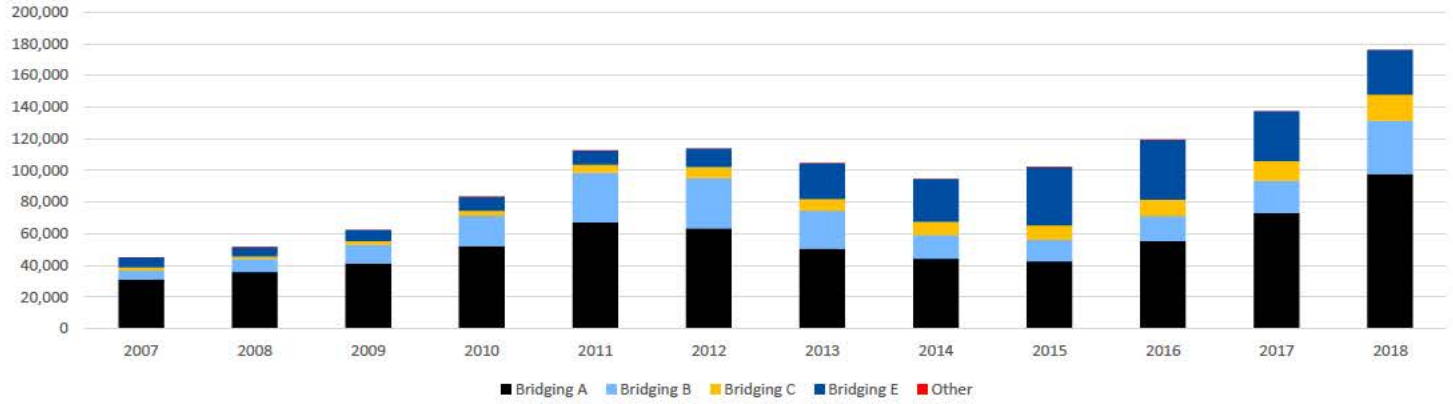
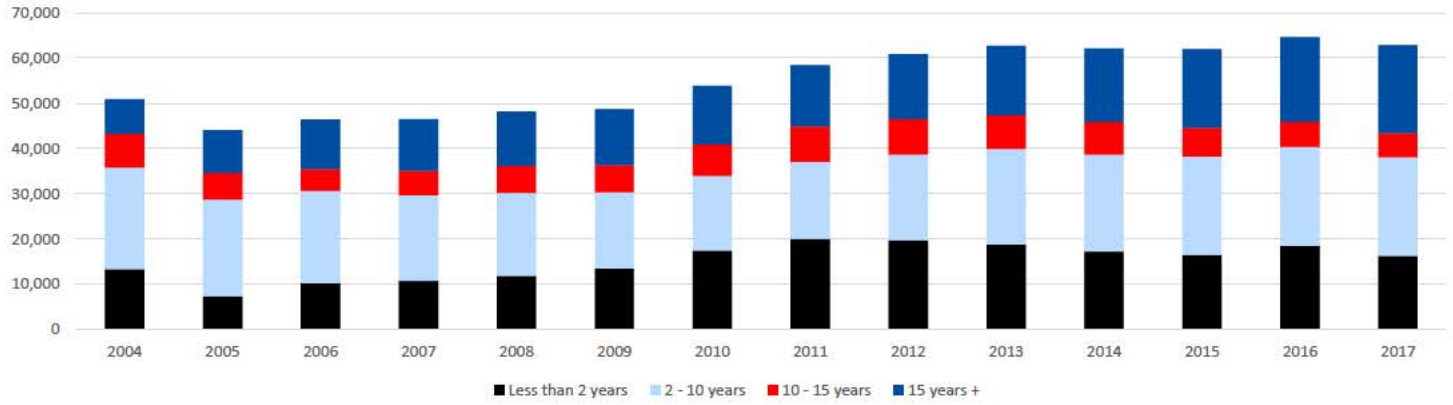


Chart 10: Stock estimate of Unlawful non-citizens by length of overstay, 2004 to 2017

Chart is suitable for public release



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Australian Government
Department of Home Affairs

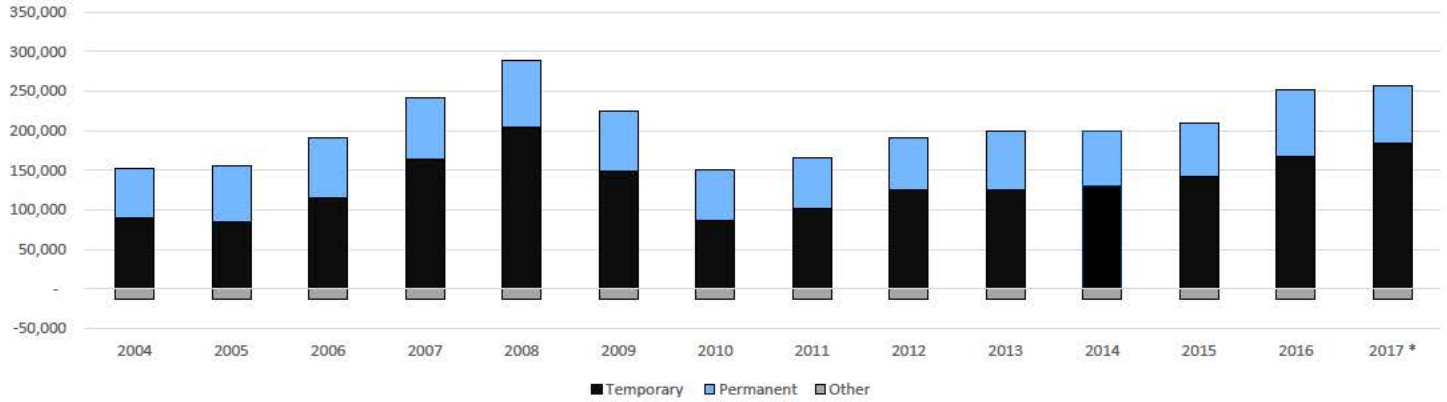
Immigration Fact Book

Chart Pack - Net Overseas Migration

Annual estimates for the period ending December 2017

Chart 11: Net Overseas Migration, 2004 to 2017*

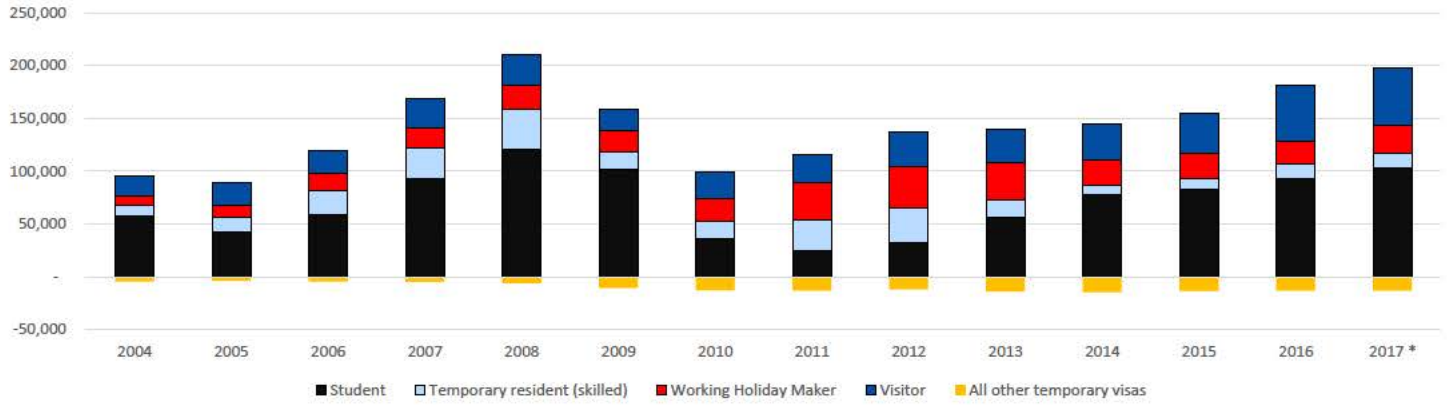
Chart is suitable for public release



Estimates as published by the Australian Bureau of Statistics (ABS. Cat. No. 3101 0 Australian Demographic Statistics).
* Data for 2017 is preliminary and subject to revision.

Chart 12: Net Overseas Migration by temporary visa major groups, 2004 to 2017

Chart is suitable for public release



Estimates as published by the Australian Bureau of Statistics (ABS. Cat. No. 3412 0 Migration Australia).

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Australia's Visa System

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Key Issues

- Australia has a global, non-discriminatory visa system that operates to facilitate the entry of temporary visitors, overseas students and short-term skilled workers, and skilled, family and humanitarian entrants under the Migration and Refugee and Humanitarian programs.

- Visas permit the travel, entry and stay in Australia of non-citizens, as specified under the *Migration Act 1958* and *Migration Regulations*.

- Visas must generally be obtained prior to a non-citizen travelling to Australia. Special arrangements exist for New Zealand citizens reflecting the close relationship between Australia and New Zealand. New Zealand nationals travelling on a New Zealand passport are typically granted a visa upon arrival, provided they do not have a substantial criminal history or health concerns.

- Australia's visa system that is delivered through three key programs:
  - **Temporary Visa Program (approximately 55 visa types)** including Visitors, Students, Working Holiday Makers, Temporary Skill Shortage, Other Temporary Resident and a range of other Border Entry and Specialist visas.
  - **Permanent Migration Program (approximately 45 visa types)** including Permanent Family, Permanent Skilled, Child and Special Eligibility categories.
  - **Humanitarian Program (6 visa types)** that provides for the resettlement of refugees and fulfils Australia's international protection obligations to people at risk in Australia.

- In 2017-18 the Department received 9.46 million visa applications and finalised 9.44 million visas. Approximately 90 per cent of these applications were applied for online and processed by approximately 2,162 full time equivalent (FTE) staff – both on and offshore.

- Each visa applicant is assessed against national security, character and health criteria. Applicants must satisfy the relevant criteria to be granted a visa. Under a universal visa system these checks are critical to preserve Australia's border security.

Temporary Visa Program

- In 2017-18 program year, the Department received **over 9 million** temporary visa applications, which is a **3.9% increase** on the previous year (8.68 million), and granted approximately **8.69 million** visas.

Type	2016/17 FY	2017/18 FY	Comparison
Visitor visa lodgements	5,540,166	5,884,464	↑ 6.2%
Student visa lodgements	374,294	413,327	↑ 10.3%
Graduate visa lodgements	45,463	59,731	↑ 31.4%
Working Holiday Maker visa lodgements	214,986	218,441	↑ 1.6%
Special Category visa lodgements	1,921,561	1,856,614	↓3.4%
Crew and Transit visa lodgements	362,763	359,272	↓1%
Other Temporary Resident visa lodgements (includes skilled 457 & TSS)	211,741	208,284	↓ 1.6%

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Visitors, Student and Working Holiday Maker

- The Visitor visa program is the largest temporary visa program and the tourism sector is an industry that is 'now worth $40 billion in annual exports' (Source: 2017 Australian Tourism Export Council media release).

- Visa lodgement growth in key Visitor markets continued, including China (up 11.3 per cent), United States (up 7.2 per cent), Japan (up 3 per cent) and India (up 17.1 per cent).

- In 2017, revenue from international students in Australia contributed $32.2 billion to the economy and more than 130,000 jobs. (Source: 18 April 2018 media release from the Hon Simon Birmingham, Minister for Education and Training).

- Visa lodgement growth in key Student markets continued, including China (up 10.3 per cent), India (up 36.9 per cent), Nepal (up 34.9 per cent) and Brazil (up 7.1 per cent).

- There are Working Holiday Maker agreements with 42 countries. These are work and cultural exchange agreements. Four new agreements commenced in the 2017-18 program year and one agreement (with Bangladesh) ceased due to integrity issues.

Temporary Skill Shortage, Labour Agreements and Global Talent Scheme

- The Temporary Skill Shortage (TSS) visa commenced on 18 March 2018. The TSS visa replaced the 457 visa. The TSS visa provides Australian workers with first priority for jobs, while allowing business to access the skills they need to grow if Australians are not available; and enhances the integrity and responsiveness of Australia's skilled migration program.

- The labour agreement program continues to offer a flexible solution for Australian companies who need to employ overseas workers but do not meet standard skilled program requirements. A labour agreement is a contract between the Australian employer and the Commonwealth to facilitate these arrangements. A list of current labour agreements is available on the Department's website.

- The Global Talent Scheme (GTS) pilot commenced on 1 July 2018.
  - The GTS operates under the Labour Agreements stream of the TSS visa.
  - It enables established businesses and start-ups to sponsor highly-skilled workers in niche roles not covered by the standard TSS visa.
    - → The GTS will provide streamlined processing and flexibility in visa criteria including access to four year TSS visas, a permanent residence option and age cap concessions.

Permanent Migration Program

- The 2017–18 permanent migration program delivered 162,417 places, within the ceiling set by government of 190,000. This ceiling is a planning level rather than a target. Within that ceiling the focus is on delivering high quality applicants.

- The Managed Migration Program is designed to achieve a range of economic and social outcomes. and consists of three components:

  - **Skilled** – visas designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia. This represents the majority of places offered (68% of the 2017-18 Migration Program).

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- **Family** – consisting of Partner, Parent and Other Family, enabling Australians to reunite with family members from overseas (30% of the 2017-18 Migration Program). 'Other Family' category consists of Carers, Aged Dependent Relatives, Remaining Relatives and Orphan Relatives
- **Special Eligibility** – this covers visas for those in special circumstances that do not fit into the other streams. This can include permanent residents returning to the country after a period away, and is the smallest stream (565 places in 2017-18).

- **Child visas** (excluding Orphan Relatives) have no ceiling under the managed migration program but are counted in total visa for the Migration Program. This is in response to the government's commitment to reform and improve the processes relating to inter-country adoption.

- The Migration Program policy settings, including the size and composition, are agreed by Cabinet annually through the Budget process and is informed through broad public consultation with stakeholders, including business and community groups from all states and territories.

- Community views, economic and labour force forecasts, international research, net overseas migration and economic and fiscal modelling are all taken into account when planning the program.

- The composition between the Family and Skill stream has not changed substantially since 2006-07, with approximately at two-thirds, one-third split of places offered to migrants in the Skill/Family stream each program year.

Delivery of the 2017-18 Permanent Migration Program

- The detailed breakdown of the results for the 2017-18 permanent migration program are contained in the table below:

Type	2017/18 FY	% of total program
Skilled Program	111,099	68.4%
Family Program	47,732	29.4%
Special Eligibility	236	0.1%
Total Managed Migration Program	**159,067**	
Child	3,350	2.1%
Total Permanent Migration Program	**162,417**	**100.0%**

- Since 2015–16 the Child program has no ceiling under the managed migration program, but remains within the overall ceiling of permanent migration places with an indicative planning level of 3485, and will be demand driven from 1 July 2019. The Child program outcome was 3350 places, which accounted for 2.1 per cent of the permanent migration places.

- Excluding the Child and Special Eligibility streams, 69.9 per cent of places were in Skill, and 30.1 per cent in Family, maintaining as close as possible the requested 70/30 split between the two programs.

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- There continues to be strong demand for both Skill and Family visas despite a 15.3 per cent reduction in lodgements in 2017-18 when compared with the 2016-17 program year.

- There has been an increased focus on integrity to ensure high quality in the program and to address increasing risks in the global environment. Even with the increased integrity effort, the number of decisions finalised was largely maintained when compared with the 2016-17 program year. This increased focus on integrity checking resulted in fewer visa grants and an increase in the number of visa refusals and withdrawals in 2017-18. Refusals increased by 46.2 per cent and withdrawals by 17 per cent.

- In the Skill program, despite the delivery of important reforms in 1 July 2017 and 3 March 2018 that are anticipated to improve the quality of new Permanent Employer Sponsored Entry (PESE) applications, the pipeline caseload is still characterised by low quality and high risk applications, with systemic issues identified in terms of targeted attempts to misuse the migration program. As a result, integrity related issues are expected to continue to impact program delivery for some time, despite PESE finalisation rates now exceeding lodgement rates.

Humanitarian Program

- Australia's Humanitarian Program includes an onshore protection and an offshore resettlement stream.
- 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 or are owed protection under other international treaties.
- 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.
- 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.

Delivery of the 2017-18 Humanitarian Program

- The 2017-18 Humanitarian program was increased from 13,750 to 16,250 places and the program was fully delivered.
- 14,825 visas were granted under the offshore component and 1,425 visas under the onshore component for people who arrived in Australia legally and were found to be refugees. More than 7,900 visas were granted under the Refugee category and 6,900 under the Special Humanitarian Program including over 300 under the new Community Support Program and its predecessor the Community Proposal Pilot.
- The program continued its focus on resettling vulnerable people from a range of countries in the Middle East, Asia and Africa regions including Iraq, Syria, Myanmar (Burma), Democratic Republic of Congo, Afghanistan, Eritrea and Ethiopia.

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Attachments

Attachment A - 2017-18 Visa Program

Contact Details
Name: Peter Richards, Acting First Assistant Secretary, Immigration and Visa Services Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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2017-18

9.46 million visa applications

Temporary Visa Program

- Visitors
- Students
- Temporary Skill Shortage
- New Zealand citizens
- Other

8.69 million visas granted

Permanent Visa Program

- Skilled Independent
- Employer Sponsored
- Family
- Special Eligibility

162,417 visas granted

Humanitarian Program

- Refugee
- Family Sponsored
- Community Support Program
- Onshore Protection

16,250 visas granted

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Australian Government

Department of Home Affairs

Personal Ministerial Powers

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Key Issues

The below brief lists a selection of powers under a selection of Acts administered by the former Department of Immigration and Border Protection. These powers continue to be administered by the Department of Home Affairs (the Department) – 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.

Following the establishment of the Department on 20 December 2017 the Department took on responsibility for a range of national security and law enforcement related legislation. In particular, the Department added the following additional Acts to those previously administered:

1. *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*
2. *AusCheck Act 2007*
3. *Australian Crime Commission Act 2002*, except to the extent administered by the Attorney-General
4. *Australian Crime Commission Establishment Act 2002*
5. *Australian Crime Commission (National Policing Information Charges) Act 2016*
6. *Australian Federal Police Act 1979*
7. *Australian Security Intelligence Organisation Act 1979,* except to the extent administered by the Attorney-General
8. *Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011*
9. *Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011*
10. *Aviation Transport Security Act 2004*
11. *Crimes Act 1914*, Parts IAA, IAAA, IAAB, IAB, IAC, IC, ID, and IE
12. *Crimes (Aviation) Act 1991*
13. *Criminology Research Act 1971*
14. *Financial Transaction Reports Act 1988*
15. *Inspector of Transport Security Act 2006*
16. *Intelligence Services Act 2001,* insofar as it relates to the Australian Security Intelligence Organisation
17. *Law Enforcement (AFP Professional Standards and Related Matters) Act 2006*
18. *Maritime Transport and Offshore Facilities Security Act 2003*
19. *National Crime Authority (Status and Rights of Former Chairman) Act 1984*
20. *Proceeds of Crime Act 1987*, except to the extent administered by the Attorney-General
21. *Proceeds of Crime Act 2002*
22. *Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002*
23. *Public Order (Protection of Persons and Property) Act 1971*
24. *Social Security Act 1991*, insofar as it relates to Australian Government Disaster Recovery Payment, Disaster Recovery Allowance and the Australian Victim of Terrorism Overseas Payment
25. *Social Security (Administration) Act 1999*, insofar as it relates to Australian Government Disaster Recovery Payment, Disaster Recovery Allowance and the Australian Victim of Terrorism Overseas Payment
26. *Surveillance Devices Act 2004*
27. *Telecommunications (Interception and Access) Act 1979*
28. *Witness Protection Act 1994*

A breakdown of the key Ministerial powers and functions under Portfolio legislation including a brief overview of the split in responsibilities between the Minister for Home Affairs and the Attorney-General is further detailed in the attached Quick Reference Guide. Not all of these identified powers or functions are expressed as residing with the Minister personally but due to the nature of some of the powers and functions the responsibility for the exercising or making of those decisions, in practice, is undertaken by the Minister.

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Of particular note is that the Minister for Home Affairs has responsibility for:

- Issuing guidelines to the Director-General of ASIO under s 8A of the *Australian Security Intelligence Organisation Act 1979* (ASIO Act);
- Determining whether a security assessment should be withheld from a person for security reasons under s 38 of the ASIO Act;
- Issuing a public interest certificate to withhold certain information relating to the review of an ASIO security assessment under s 39B of the *Administrative Appeals Tribunal Act 1975;*
- Issuing a security notice which results in an individual not receiving welfare payments which may be used for a purpose that might prejudice the security of Australia or a foreign country under the *Paid Parental Leave Act 2010*, *Social Security Act 1991* and *A New Tax System (Family Assistance) Act 1999*;
- Consenting to requests for interim control orders under the terrorism provisions in Part 5.3 of the *Criminal Code Act 1995* (the Criminal Code);
- Authorising certain payments out of the confiscated assets special account under the *Proceeds of Crime Act 2002*; and
- Providing certain authorisations in emergency situations to intelligence agencies to undertake certain activity under the *Intelligence Services Act 2001*.

There is also a shared responsibility for criminal justice matters between the Attorney-General and the Minister for Home Affairs.

The Attorney-General and the Minister for Home Affairs share both administrative and policy responsibility for the *Crimes Act 1914* and while the Attorney-General administers the Criminal Code, the Minister for Home Affairs has primary policy responsibility.

In practice what this means for the Criminal Code is that:

- The AFP continue to investigate federal offences.
- The Attorney-General 'owns' the Criminal Code and responsibility for amendments to it; and
- The Minister for Home Affairs develops policy for offences, working with the Attorney-General.

More generally, if two or more Ministers (including Assistant Ministers and Parliamentary Secretaries) are jointly commissioned to administer a Department, then each Minister is 'the Minister' under the legislation administered by the Department, as specified in the relevant Administrative Arrangements Orders.

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);

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- 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.

- 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.
- Examples of other frequently used non-compellable public interest powers under the Act include:
  - section 46A(2) – the Minster 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;
  - section 91L – the Minister may lift the bar in section 91K that prevents a non-citizen, but not an unauthorised maritime arrival or transitory person, who is in Australia and at that time either holds a temporary safe haven visa or has not left Australia since ceasing to hold a temporary safe haven 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;
  - section197AD – 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;
  - section 336L – the Minister may issue a conclusive certificate in respect of a person for the purposes of indefinitely retaining identifying information if it is in the public interest to do so and the non-citizen is a threat to the security of the Commonwealth or of a State or Territory.

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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.
- 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.

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.
- Section 34A provides a power for the Minister to revoke the person's citizenship where citizenship was granted because of an exercise of the power under 22A(1A) and 22B(1A) above.

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- While the power to revoke a person's citizenship under sections 34 (revocation for offences or fraud) 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, 44 people have had their Australian citizenship revoked since 1949 with the most recent case revoked on 2 November 2017. Of the 44, Minister Dutton revoked 28 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 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 also 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.

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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*, there is no provision for the Minister to delegate powers. Any reference to the Minister doing something will be a reference to the Minister acting personally. For example:

- section 4(7) – the Minister may, by legislative instrument, 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 by written instrument, in circumstances where the position of Australian Border Force Commissioner is vacant, or not being vacant, the Australian Border Force Commissioner is absent from Australia or is, for any reason, unable to perform the duties of office, 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, following consideration of the views expressed by the Australian Border Force Commissioner and the Secretary, give written directions to the Australian Border Force Commissioner about policies that should be pursued, or priorities that should be followed, in relation to the operations of the Australian Border Force;
- subsection 58(1) – the Minister may, by legislative instrument, make rules prescribing matters required or permitted by the *Australian Border Force Act 2015* to be prescribed or necessary or convenient to be prescribed; provided that such rules do not amend the *Australian Border Force Act 2015*, impose a tax, amount to a Consolidated Revenue Fund appropriation, create an offence or civil penalty, provide a power of arrest or detention or entry, search or seizure..

Contact Details
Name: Pip de Veau, First Assistant Secretary, Legal Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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HOME AFFAIRS MINISTERS

COMPREHENSIVE REFERENCE GUIDE – MINISTERIAL POWERS AND FUNCTIONS

This guide outlines key ministerial powers and functions in Commonwealth legislation following the full establishment of the Home Affairs portfolio and related changes to the Attorney-General's portfolio on 10 May 2018. This guide does not capture instances where the administration of an Act, or a ministerial power or function is unchanged as a result of this Machinery of Government change (i.e. remains with the Attorney-General or was previously attached to the Minister for Immigration and Border Protection). This document should be read together with the Administrative Arrangements Order (AAO) amendments dated 20 December 2017 and 10 May 2018 and the 'Guide to the Criminal Code and Crimes Act split of ministerial responsibilities' (Attachment A). **References to other ministers in the Acts set out below (e.g. Minister for Foreign Affairs) are not affected by this table.**

A New Tax System (Family Assistance) Act 1999: Div 7, Part 3 *Paid Parental Leave Act 2010*: Div 5, Part 6-1 *Social Security Act 1991*: Part 1.3B	MHA gives security notices to Minister for Social Services to cancel certain welfare eligibility and payments on security grounds (and may revoke notices, and must review annually).
Administrative Appeals Tribunal Act 1975	MHA exercises the following powers: • issues public interest certificates relating to the review of ASIO security assessment (s 39B), and • receives copies of the findings of the AAT (s 43AAA(4)).
Anti-Money Laundering and Counter-Terrorism Financing Act 2006	MHA administers this Act in full and exercises all powers under this Act.
Australian Citizenship Act 2007	MHA exercises all powers under this Act.
Australian Crime Commission Act 2002	MHA administers this Act **except s 27**. MHA exercises all powers/functions under this Act **except AG exercises functions and powers under ss12(1)-(1A), 16 and 27.**
Australian Crime Commission (National Policing Information Charges) Act 2016	MHA administers and exercises all powers under this Act.
Australian Federal Police Act 1979	MHA administers and exercises all powers under the Act, **except AG exercises powers in relation to superannuation orders for existing or past employees convicted of corruption offences (ss 43, 44, 47B, 49P and 51).**
Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011; Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011	MHA administers and exercises all powers under these Acts.
Aviation Transport Security Act 2004	MHA administers and exercises all powers under this Act.
Australian Security Intelligence Organisation Act 1979	MHA administers this Act in full and exercises all powers **except:** • MHA issues ASIO guidelines to the Director-General, but **must consult AG (s 8A(1A and 2A).** • **AG issues ASIO warrants (including questioning, and questioning and detention warrants) and authorises special intelligence operations under Part III (Divisions 2, 3 and 4)** • **AG consents to the prosecution of offences (s 18C and 92(3))** • **AG can require the AAT (and the IGIS) to inquire into certain matters, and publish findings (s 65)** – MHA also receives copy of any AAT or IGIS report.
Crimes Act 1914 Policy responsibility: • AG – Parts I, IA, IABA, IAD, IAE, IB, III, VI, VIIC, VIII • MHA – Parts IAA, IAAA, IAAB, IAB, IAC, IACA, IC, ID, IE, II, IIA, IV, VII, VIIA	MHA administers Parts IAA, IAAA, IAAB, IAB, IAC, IC, ID, and IE and exercises most powers under those Parts **except:** • **AG appoints issuing authorities (ss 3ZZAE, 3ZZAF, 15GG).** • **AG receives certain reports (ss 15LD).** • **AG authorises forensic procedures for foreign mutual assistance requests (ss 23WJ, 23WT, 23XWU, 23YQA, 23YQB).** MHA also exercises a power in Part IA (administered by AG): directions regarding forfeiture of articles (s9A).
Crimes (Aviation) Act 1991 Policy responsibility (MHA – entire Act)	MHA administers and exercises almost all powers under this Act, **except AG authorises magistrates to undertake preliminary inquiries and receives certified record of any evidence, and determines jurisdiction for an indictment (ss 37, 41 and 48).**
Crimes (Biological Weapons) Act 1976 Policy responsibility: • AG – all except sections 8 and 9 • MHA – sections 8 and 9 only	MHA is the 'rule-maker' in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility (subsection 13(2)).
Crimes (Currency) Act 1981 Policy responsibility: • AG – Parts I and III • MHA – Part II offences	MHA is the 'rule-maker' in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility (subsection 30(2)).
Crimes (Internationally Protected Persons) Act 1976 Policy responsibility: • AG – all except section 8 • MHA – section 8 offences	MHA **does not exercise any powers** under this Act.
Crimes (Ships and Fixed Platforms) Act 1992 Policy responsibility (MHA – entire Act)	MHA **does not exercise any powers** under this Act.
Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990 Policy responsibility (MHA – entire Act)	MHA is the rule-maker in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility (subsection 22(2)).

Criminal Code Act 1995
Policy responsibility:
• AG – Chapters 1, 2, 4 (Div 70 only), Ch 5 (Div 106 only), 7, 8 (Div 268, 274, 279 only)
• MHA – Chapters 4 (Div 71, 72, 73 only), 5 (except Div 106), 8 (Div 270, 271, 272, 273), 9 and 10
	MHA exercises all powers in the following parts **(except AG consents to all prosecutions):**
	• Chapter 4, Division 72 Subdivision B: Plastic Explosives
	• Chapter 5
	  ○ Part 5.3: Terrorism **(except s105.2 – AG appoints issuing authorities)**
	  ○ Part 5.5: Foreign Incursions and recruitment
	• Chapter 9, Part 9.1: Serious Drug Offences
	• Chapter 10, Part 10.5: Postal Services and Part 10.6 Telecommunications Services
	• MHA is 'rule-maker' in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility (subsection 5(2)).

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Criminology Research Act 1971	MHA administers and exercises all powers under this Act.
Customs Act 1901	MHA exercises powers under the Act, **except in relation to anti-dumping laws** (Part XVB) **and International Trade Remedies Forum** (Part XVC) - administered by Minister for Jobs and Innovation.
Defence Act 1903, Part IIIAAA	MHA **does not exercise any powers** under this Act
Financial Transaction Reports Act 1988	MHA administers and exercises all powers under this Act.
Inspector of Transport Security Act 2006	MHA administers and exercises all powers under this Act, **except:** • **the Defence Minister may prevent MHA from asking the Inspector to inquire into a defence aspect of a transport security matter or of an offshore security matter (s21)** • **an S&T Transport Minister must agree before MHA asks the Inspector to inquire into a surface transport security matter in that S&T (s22)**.
Intelligence Services Act 2001 (insofar as it relates to ASIO)	MHA administers this Act insofar as it relates to ASIO, and exercises the following powers: • (with other Ministers) give an oral authorisation in an emergency situation (s9A(3)) • receive notification of an emergency authorisation, when not approved by a minister (s9C (4) and (5)) • approve ASIO's cooperation with other authorities (s13) • make guidelines on ASIO-ASIS cooperation (jointly with Foreign Minister, following consultation with AG – s13G) • refer any matter relating to ASIO to the PJCIS (s29). **(Other Ministers (including the AG) exercise other powers under this Act.)**
Law Enforcement (AFP Professional Standards and Related Matters) Act 2006	MHA administers and exercises all powers under this Act.
Migration Act 1958	MHA exercises all powers in this Act, **except AG consents to certain civil proceedings (ss 245AM(6), 245AW(6))**.
Offshore Petroleum and Greenhouse Gas Storage Act 2006	MHA may give directions on how to deal with goods subject to forfeiture order (s604, s610).
Ombudsman Act 1976	MHA exercises the following powers: • may require the Ombudsman to seek his or her approval to investigate a place where such an investigation might prejudice the security or defence of the Commonwealth (s 14(3)), and • issues certificates to prevent the disclosure of information relevant to the ACIC's operations (s 35B).
Proceeds of Crime Act 1987	MHA administers and exercises all powers in this Act, **except the AG administers s 102 and:** • **authorises legal assistance (s 102)** • **is responsible for mutual assistance in criminal matters (provides directions to dispose or otherwise deal with property (s 23), payments out of the Confiscated Assets Special Account, to foreign countries, international tribunals or the states and territories (s 34C); production and monitoring orders (ss 69(2), 72(3) and 75(2)).**
Proceeds of Crime Act 2002	MHA exercises all powers in this Act, **except AG authorises payments out of the Confiscated Assets Account only where it is considered necessary in respect of a mutual assistance request (s 297(c) and (d)).**
Social Security Act 1991; Social Security (Administration) Act 1999* (insofar as they relate to Disaster Recovery Payment, Disaster Recovery Allowance and the AVTOP)*	MHA administers and exercises all powers in these parts of these Acts: Disaster Recovery Allowance (Part 2.23B), the Disaster Recovery Payment (Part 2.24) and the Australian Victim of Terrorism Overseas Payment (Part 2.24AA).
Service and Execution of Process Act 1992	MHA exercises power to apply for a suppression order on national security grounds (s 100(4)).
Surveillance Devices Act 2004	MHA administers this Act in full and exercises almost all powers **except the AG:** • **nominates eligible Judges (s12) and AAT members to issue warrants (s13), and** • **receives written evidence that an extraterritorial surveillance warrant has been agreed (s 42(6)).**
Telecommunications Act 1997	MHA exercises the following powers and functions: • MHA may make directions regarding certain cases that are prejudicial to security (s58A, s581, c57A and c72A of Sch3A). • MHA may exercise certain powers related to emergency management (s275B, s275D, s295Y, s295ZD), and • Emergency management person must report to MHA about disclosure of certain information during an emergency (s295ZB).
Telecommunications (Interception and Access) Act 1979	MHA administers this Act in full and exercises most powers, **except the AG:** • **nominates eligible Judges and AAT members and appoints issuing authorities (s 6D, 6DB, 6DA and 6DC)** • **exercises all functions and powers in connection with ASIO warrants (Chapter 2, Part 2-2, subsection 65(2) and subsection 137(3));** • **authorises interception for testing and development purposes (Chapter 2, Part 2.4)** • **authorises communication of ASIO information in accordance with ongoing mutual assistance responsibilities (s68(l), s107P, S107Q, S107R, s142A(1)(c), s180B and s180E.)** • **can bring proceedings for offences under sections 7 or 63 as provided for by section 105(3)(a).** • **exercises powers relating to journalist information warrants under subdivision B, Division 4C, Part 4.1 and para. 185D(1)(b).** But note, MHA may give an oral authorisation in an emergency situation if AG is not available (s 180M(4)(b)(ia)). • **with the AG, deals with information resulting from unlawful interceptions (s 71), and** • **receives submissions from Public Interest Advocates (s 180X(2)(a)).**
Terrorism Insurance Act 2003	MHA to be consulted before the relevant Minister (Treasurer) declares a terrorist incident for the purpose of the Act (s6).
Witness Protection Act 1994	MHA administers and exercises all powers under this Act.

Note, MHA also administers the following Acts which do not contain any ministerial powers:

- *AusCheck Act 2007; Australian Crime Commission Establishment Act 2002; Maritime Transport and Offshore Facilities Security Act 2003; National Crime Authority (Status and Rights of Former Chairman) Act 1984; Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002; Public Order (Protection of Persons and Property) Act 1971.*

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COMPREHENSIVE REFERENCE GUIDE – MINISTERIAL POWERS AND FUNCTIONS

ATTORNEY-GENERAL

This guide outlines key ministerial powers and functions in Commonwealth legislation following the full establishment of the Home Affairs portfolio and related changes to the Attorney-General's portfolio on 10 May 2018. This guide does not capture instances where the administration of an Act, or a ministerial power or function is unchanged as a result of this Machinery of Government change (i.e. remains with the Attorney-General or was previously attached to the Minister for Immigration and Border Protection).

This document should be read together with the Administrative Arrangements Order (AAO) amendments dated 20 December 2017 and 10 May 2018 and the 'Guide to the Criminal Code and Crimes Act split of ministerial responsibilities' (Attachment A). **References to other ministers in the Acts set out below (eg Minister for Foreign Affairs) are not affected by this table.**

A New Tax System (Family Assistance) Act 1999; Paid Parental Leave Act 2010; Social Security Act 1991	AG **does not exercise any powers** under these Acts.
Administrative Appeals Tribunal Act 1975	AG administers this Act in full, and exercises all powers under this Act, **except the MHA:** • **issues public interest certificates relating to reviews of ASIO security assessments (s 39B), and** • **receives copies of AAT comments on ASIO procedures and practices (s43AAA(4)).**
Anti-Money Laundering and Counter-Terrorism Financing Act 2006	AG **does not exercise any powers** (but can receive AUSTRAC information from intelligence agency officials under s128).
Australian Crime Commission Act 2002 ***s27*	AG administers and exercises powers under s 27, which relates to the provision of legal aid to a person for a matter arising under this Act. AG also exercises powers/functions under ss12(1)-(1A) and 16.
Australian Federal Police Act 1979	AG only exercises powers in relation to superannuation orders for existing or past employees convicted of corruption offences (ss 43, 44, 47B, 49P and 51).
Australian Security Intelligence Organisation Act 1979	The AG exercises the following powers and functions: • issuing ASIO warrants (including questioning, and questioning and detention warrants) and authorising special intelligence operations under Part III (Divisions 2, 3 and 4) • consent to the prosecution of certain offences (s 18C and 92(3)) • initiates AAT inquiries, can refer matters to the IGIS before AAT inquiry and can publish AAT findings (s 65), and • must be consulted by the MHA on the issuing of ASIO guidelines (s 8A (1A) and (2A)).
Crimes Act 1914 (except to the extent administered by the Minister for Home Affairs) Policy responsibility: • AG – Parts I, IA, IABA, IAD, IAE, IB, III, VI, VIIC, VIII • MHA – Parts IAA, IAAA, IAAB, IAB, IAC, IACA, IC, ID, IE, II, IIA, IV, VII, VIIA *[See also Attachment A – 'Guide to split of ministerial powers and responsibilities.]*	AG administers Parts I, IA, IABA, IACA, IAD, IAE, IB, II, IIA, III, IV, VI, VII, VIIA, VIIC, VIII and exercises all powers under those Parts **except MHA exercises a power in Part IA: directions regarding forfeiture of articles (s9A).** AG also exercises the following powers under Parts administered by MHA: - AG appoints issuing authorities (ss 3ZZAE, 3ZZAF, 15GG - AG receives certain reports (ss 15LD) - AG authorises forensic procedures for foreign mutual assistance requests (ss 23WJ, 23WT, 23XWU, 23 YQA, 23YQB) AG consents to all prosecutions under the Crimes Act.
Crimes (Aviation) Act 1991	AG only exercises powers to authorise magistrates to undertake preliminary inquiries and receive certified records of any evidence, and determine jurisdiction for an indictment (ss 37, 41 and 48).
Crimes At Sea Act 2000 Policy responsibility (AG – entire Act) *Crimes (Hostages) Act 1989* Policy responsibility (AG – entire Act) *Crimes (Internationally Protected Persons) Act 1976* Policy responsibility: • AG – all except section 8 • MHA – section 8 offences *Crimes (Overseas) Act 1964* Policy responsibility (AG – entire Act) *Crimes (Ships and Fixed Platforms) Act 1992* Policy responsibility: • AG – no policy responsibility • MHA – the whole Act *Crimes (Superannuation Benefits) Act 1989* Policy responsibility (AG – entire Act)	No change to administration or exercise of powers under these Acts.
Crimes (Biological Weapons) Act 1976 Policy responsibility: • AG – all except sections 8 and 9 • MHA – sections 8 and 9 only	AG administers this Act and exercises powers in full, **except MHA is the 'rule-maker'** (subsection 18(2)) **in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility – restrictions on development of biological agents, toxins and weapons, and forfeitures and seizures (ss 8 and 9).**
Crimes (Currency) Act 1981 Policy responsibility: • AG – Parts I and III • MHA – Part II offences	AG administers this Act and exercises powers in full, **except MHA is the 'rule-maker'** (subsection 30(2)) **in respect of any regulations made for the purposes of provisions for which the MHA has policy responsibility (Part II).**
Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990 Policy responsibility: • AG – no policy responsibility • MHA – the whole Act	AG administers this Act in full and exercises powers, **except MHA is the 'rule-maker'**(subsection 22(2)) **in respect of any regulations made for the purposes of this Act.**
Criminal Code Act 1995 Policy responsibility: • AG – Chapters 1, 2, 4 (Div 70 only), Ch 5 (Div 106 only), 7, 8 (Div 268, 274, 279 only)	AG exercises the power under s105.2 (appoint issuing authorities for preventative detention orders) and consents to all prosecutions under this Act.

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• MHA – Chapters 4 (Div 71, 72, 73 only), 5 (except Div 106), 8 (Div 270, 271, 272, 273), 9 and 10	
Criminology Research Act 1971	AG **does not exercise any powers** under this Act.
Independent National Security Legislation Monitor Act 2010	AG administers this Act in full, and exercises almost all powers under this Act **except the PM:** • **may (in addition to AG) refer a matter to the Monitor (s7)** • **may direct the Monitor on priority of references (s7), and** • **consults with the Leader of the Opposition on the appointment of a Monitor or acting Monitor (s11).**
Inspector-General of Intelligence and Security Act 1986	AG administers this Act in full, and exercises almost all powers under this Act, **except the PM:** • **consults with the Leader of the Opposition on the appointment of an Inspector-General (ss6(3), 6A(2))** • **may direct the Inspector-General to inquire into a matter (s9),** although the AG can request a copy of any report.
Intelligence Services Act 2001 (insofar as it relates to ASIO)	AG exercises the following powers: • agrees to security-related Ministerial authorisations (s9(1A)(b)) • may give an oral authorisation in an emergency situation (s9A(3)(b)(iv)) • must receive notification that a security-related emergency authorisation is given, if not approved by a minister (s9C(4) and (5). • must be consulted before ASIS cooperates with an authority of another country in certain circumstances (s13(1A)) • must be consulted before ASIO-ASIS cooperation guidelines are made (s13G(1A)) • must be consulted on rules regulating communication and retention of intelligence information concerning Australian persons (s15(3)(c) and s15(4)) • may refer a matter in relation to the activities of ASIO, ASIS, AGO, ASD or ONA to the PJCIS (s29), and • consent to prosecutions for offences against certain provisions of this Act (s41A, Sch1 s13).
Migration Act 1958	AG only exercises the power to consent to certain civil proceedings (ss 245AM(6), 245AW(6)).
Offshore Petroleum and Greenhouse Gas Storage Act 2006	AG **does not exercise any powers** under this Act.
Ombudsman Act 1976	AG administers this Act in full, and exercises almost all powers under this Act **except:** • **The Prime Minister will continue to receive reports where an agency does not take appropriate action in response to a report given to that agency (s16)** • **Minister administering the *Australian Postal Corporation Act 1989* may determine fees for Postal Industry Ombudsman investigations (ss 19ZE(3))** • **MHA may require the Ombudsman to seek his or her approval to investigate a place where such an investigation might prejudice the security or defence of the Commonwealth (s 14(3)), and** • **MHA issues certificates to prevent the disclosure of information relevant to the ACIC's operations (s 35B).**
Proceeds of Crime Act 1987 **section 102*	AG administers section 102 and exercises the following powers: • authorises payments for legal assistance (s 102), and • is responsible for mutual assistance in criminal matters (provides directions to dispose or otherwise deal with property (s 23), payments out of the Confiscated Assets Special Account, to foreign countries, international tribunals or the states and territories (s 34C); production and monitoring orders (ss 69(2), 72(3) and 75(2)).
Proceeds of Crime Act 2002	AG only authorises payments out of the Confiscated Assets Account only where it is considered necessary in respect of a mutual assistance request (s 297(c) and (d)).
Public Interest Disclosure Act 2013	AG administers and exercises the powers under this Act.
Service and Execution of Process Act 1992	AG administers this Act in full and exercises all powers, **except the MHA exercises the power to apply for a suppression order on national security grounds (s 100(4)).**
Surveillance Devices Act 2004	AG only exercises the powers to nominate eligible Judges (s12) and AAT members to issue warrants (s13) and receive written evidence that an extraterritorial surveillance warrant has been agreed (s 42(6)).
Telecommunications Act 1997	AG only exercises the following functions and powers: • must be consulted (s314(5)) before Minister for Communications makes determination regarding appointment of arbitrator (s313), and • must consent to application for certain proceedings (c83A and c85 of Schedule 3A).
Telecommunications (Interception and Access) Act 1979	AG exercises the following powers: • nominates eligible Judges and AAT members, and appoint issuing authorities (ss 6D, 6DB, 6DA and 6DC) • exercises powers relating to ASIO warrants (Chapter 2, Part 2-2, subsection 65(2) and subsection 137(3)); • authorises interception for testing and development purposes (Chapter 2, Part 2.4) • authorises communication of ASIO information in accordance with ongoing mutual assistance responsibilities (subsection s68(l), s107P, S107Q, S107R, s142A(1)(c), s180B and s180E.) • brings proceedings for offences under sections 7 or 63 as provided for by section 105(3)(a). • exercises powers relating to journalist information warrants under subdivision B, Division 4C, Part 4.1 and para.185 D(1)(b)(ia)). • with the MHA, to deal with information resulting from unlawful interceptions (s 71). • receives submissions from Public Interest Advocates (s 180X(2)(a).
Terrorism Insurance Act 2003	AG **does not exercise any functions or powers** under this Act.

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Australian Government

Department of Home Affairs

Immigration Reform

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Contact Details
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

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Attachment B

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Attachment C

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Australian Government

Department of Home Affairs

Migration Program

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Key Issues

- Immigration is important for Australia's economic prosperity, national wellbeing and social cohesion. Migrants contribute to both Australia's total GDP and GDP per person by:
  - offsetting Australia's ageing population
  - improving labour force participation and productivity, and
  - helping businesses to source skills that are difficult to develop at short notice.
- The economic and social benefits of migration are supported by policy settings that focus on migrants that are skilled and of working age.

Migration Program size and composition

- The permanent Migration Program consists of three streams:
  - **Skill stream** – designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia.
  - **Family stream** – enables Australian citizens and permanent residents to reunite with family members including partners, parents, children and certain dependent relatives.
  - **Special Eligibility stream** – provides visas for those in special circumstances that do not fit into other streams, including where the Minister intervenes to grant a visa under the *Migration Act 1958*.
- The permanent Migration Program planning level has been 190,000 places since 2012-13. In 2018-19 the Migration Program has again been set at a ceiling of 190,000 places – full details of planning levels by stream and category is at Attachment A.
- Since 2015, the Migration Program planning level has been considered a ceiling not a target.
  - The Department does not lower standards or move places between categories in order to attempt to reach the ceiling.
- The Skill Stream is set at no less than two-thirds of the permanent Migration Program, in order to balance delivery of both economic and social community benefits.
- Child places are managed on a demand driven basis.
- The refugee and humanitarian program is planned separately – see *Refugee and Humanitarian Policy* brief for further information.
- Temporary migration, for example students and temporary skilled workers, is uncapped, and does not have planning levels.

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Delivery of the 2017-18 Migration Program

- Australia's visa settings are designed to ensure that migrants bring maximum benefit to Australia.
- Eligibility requirements for each category, and the visa subclasses within each category, are carefully calibrated to meet the objectives of the Migration Program. These objectives vary depending on the category, and include human capital, investment and talent, those coming based on sponsorship by an employer or a state or territory government, and family reunion.
- Each visa application is assessed against the criteria for that particular visa subclass, as well as common criteria such as health and character.
- The total permanent Migration Program outcome for 2017–18 was **162,417 places**.
    - See Attachment C for a breakdown of the 2017-18 Migration Program outcome. Note that the 2017-18 Migration Program outcome has not been approved for public release – a Ministerial Submission seeking agreement to its release is being brought forward.
    - See Attachment D for a breakdown of Migration Program outcomes by category for the past ten years.
- Overall the number of finalisations in 2017-18 is comparable to the previous year. However, due to the Department's increased focus on integrity, the number of visa refusals and withdrawals increased significantly. In 2017-18:
    - Total refusals increased 46.2 per cent;
    - Total withdrawals increased 17.0 per cent;
    - Total finalisations reduced 0.7 per cent.
- A number of factors affect the outcome from year to year. These include:
    - managing increasing caseload complexity;
    - identifying and treating emerging risks within specific caseloads; and
    - varying levels of application quality and completeness.

Attachments

Attachment A – 2018-19 Migration Program Planning Levels

Attachment B – High level description of Migration Program categories

Attachment C - 2017-18 Migration Program Outcomes

Attachment D – Migration Program by Category over ten years

Contact Details
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

Migration Program Planning Levels 2018-19

Skill stream	
	Planning Level
Employer Sponsored	**48,250**
Skilled Independent	**43,990**
State & Territory & Regional Sponsored	**28,850**
Business Innovation & Investment Program	**7,260**
Distinguished Talent	**200**
Skill Total	**128,550**
Family Stream	
	Planning Level
Partner	**47,825**
Parent	**8,675**
Other Family	**900**
Family Total	**57,400**
Special Eligibility	**565**
Child (estimate – demand driven)	**3,485**

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Attachment B

Migration Program Category	Broad criteria
Skill Stream	
Employer Sponsored	This category is for skilled workers who want to work in Australia and obtain permanent residence. These visas involve a two-step process, firstly, nomination by an Australian employer and then a visa under the nominated stream. Applicants must: • have been nominated by an Australian employer in an eligible skilled occupation and this nomination has been approved within the six months before the application • be under the age of 45 at the time of application • at the time of application, have the required skills and qualifications for the position they have been nominated for - including holding (or being eligible for) any mandatory registration, licence or professional membership • at the time of lodgement, have appropriate English language skills. The Regional Sponsored Migration Scheme requires migrants to be nominated for a position in a regional area.
Skilled-Independent	This category is for workers who are not sponsored by an employer or nominated by a state or territory, but who have skills and experience that will benefit Australia. Applicants are assessed against a points test and must meet a pass mark of 65 points. Points are allocated for: • English language ability • Skilled employment • Qualifications • Australian study • Specialist education • Other factors (including partner skills, study in regional or low population-growth metropolitan areas, community language and a professional year in Australia)

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State/Territory and Regional Nominated	Enables skilled workers who are nominated by an Australian state or territory government to live and work in Australia as permanent residents, or to live and work in regional or low population-growth metropolitan areas of Australia. Applicants are assessed against a points test.
Distinguished Talent	The Distinguished Talent visa enables successful applicants to live permanently in Australia where they have an internationally recognised record of exceptional and outstanding achievement in: • a profession • a sport • the arts • academia and research. Applicants must demonstrate they are still prominent in their area, would be an asset to the Australian community, and have no difficulty getting employment in their field. They must be nominated by a person or organisation with a national reputation in Australia in the same field as the person applying for the visa.
Business Innovation and Investment Program	Designed to increase entrepreneurial talent and diversify business expertise in Australia. Targets migrants that have a demonstrated history of success in innovation, investment and business and are able to make a significant contribution to the national innovation system and to the Australian economy. Most business innovation and investment migrants enter Australia on a provisional visa for a minimum of four years and after satisfactory evidence of a specified level of business or investment activity can apply for permanent residence. Alternatively business migrants can apply for a Business Talent visa to get direct permanent residence if they have high level business skills or have obtained funding from an Australian venture capital firm.
Family Stream	
Partner	There are two types of partner category visas: partner visa and prospective marriage visa. Partner visas are available to people who are married to, or in a de facto relationship with an Australian citizen, Australian permanent resident or eligible New Zealand citizen partner (the sponsor). The application can be made in or outside Australia. Partner visa applicants and their sponsor must: • have a mutual commitment to a shared life together, to the exclusion of all others • have a genuine and continuing relationship

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	• live together or not live separately and apart on a permanent basis. The prospective marriage visa is available to people outside Australia who intend to marry their Australian citizen, Australian permanent resident or eligible New Zealand citizen sponsoring partner after they enter Australia. This visa is not available for people in Australia.
Child	While children can often be included in the application of their migrating parents, they sometimes migrate separately. In this case they may apply for one of the child category visas. Child category visas are uncapped and demand driven. There are three visa types in the child category: • a child visa is for a dependent child of an Australian citizen, Australian permanent resident or eligible New Zealand citizen sponsor • an adoption visa is for a child adopted outside Australia by an Australian citizen, Australian permanent resident or eligible New Zealand citizen sponsor • an orphan relative visa is for a child who is under 18 years of age at the time of application and who cannot be cared for by either parent. The child will be cared for by the Australian citizen, Australian permanent resident or eligible New Zealand citizen sponsor. There is also a temporary visa (dependent child visa) for dependent children of temporary partner visa holders. This visa enables these children to be added to their parent's permanent partner visa application.
Other Family	The other family category consists of the following three visa types: • a carer visa is for applicants willing and able to give substantial, continuing assistance to an Australian citizen, Australian permanent resident or eligible New Zealand citizen relative or member of their family who has a medical condition that impairs their ability to attend to the practical aspects of daily life. The need for assistance must be likely to continue for at least two years • an aged dependent relative visa is for single, widowed, divorced or formally separated applicants who are dependent on an Australian citizen, Australian permanent resident or eligible New Zealand citizen relative • a remaining relative visa is for applicants who have no near relatives outside Australia and are the brother, sister, child or step equivalent of an Australian citizen, Australian permanent resident or eligible New Zealand citizen.
Parent	There are two visa categories for parents wishing to migrate to Australia: • parent (non-contributory) category • contributory parent category. To apply for any parent or contributory parent visa, an applicant must be the parent of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, who is 'settled' at the time the application is lodged. They must also satisfy the balance of family test, which

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	requires that at least half of their children live permanently in Australia, or that more of their children live permanently in Australia than in any other country. The core requirements for both the non-contributory parent subclass and the contributory parent subclass are similar. However there are key differences. These are: • applicants in the parent (non-contributory) category have a significantly longer wait for applications to be finalised • visa applications in the contributory parent category are accorded a higher priority for processing • applicants for a contributory parent visa pay a substantially higher second instalment of the visa application charge (per person) and a larger assurance of support (AoS) bond with a longer AoS period.
Special Eligibility Stream	
Special Eligibility	The Special Eligibility category covers the Former Resident subclass and includes visas granted under Ministerial Intervention.

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Attachment C

Note: these figures are currently under embargo and have not been approved for public release

2017-18 MIGRATION PROGRAM
Outcome as at 30 June 2018

Component	Outcome	Planning Level [1]	% Variation from Pro Rata
Partner			
Spouse	36,767		
Interdependent			
Fiance	3,032		
Total Partner	39,799	47,825	-16.8
Parents			
Contributory Parent	6,015	7,175	-16.2
Parent	1,356	1,500	-9.6
Total Parents	7,371	8,675	-15.0
Other Family[2]			
Carer	370	420	-11.9
ADR/RR	59	80	-26.3
Orphan Relative	133	400	-66.8
Total Other Family	562	900	-37.6
Total Family	**47,732**	**57,400**	**-16.8**
Employer Sponsored			
Regional Sponsored Migration Scheme	6,221		
Employer Nomination Scheme	29,307		
Total Employer Sponsored	35,528	48,250	-26.4
General Skilled Migration			
Skilled Independent	39,137	43,990	-11.0
State/Territory Nominated	27,400		
Skilled Regional	1,574		
Sub Total State/Territory & Regional Nominated	28,974	28,850	0.4
General Skilled Migration - Total	68,111	72,840	-6.5
Distinguished Talent	200	200	
Business Innovation and Investment	7,260	7,260	
Total Skill	**111,099**	**128,550**	**-13.6**
Special Eligibility (Ministerial Intervention)	230	500	-54.0
Special Eligibility (Non-Ministerial Intervention)	6	65	-90.8
Special Eligibility	**236**	**565**	**-58.2**
Total Migration Program	**159,067**	**186,515**	**-14.7**
Child[3]	**3,350**		**-3.9**
Total Migration & Child Program	**162,417**	**190,000**	**-14.5**

1 Program year planning levels are indicative only, and may be revised midyear as a result of changes in demand and other factors.

2 Under Section 85 of the Migration Act 1958, Carer visas, Aged Dependent Relative visas and Remaining Relative visas in the Other Family category are capped. Orphan Relative visas in this category is not capped under Section 85 of the Act.

3 Child visas (excluding Orphan Relative) are no longer counted under the managed migration programme. Child places are allocated on demand within the overall permanent migration ceiling of 190,000. This is in response to the Government's commitment to reform and improve the processes relating to inter-country adoption.

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Attachment D

Note: the 2017-18 figures are currently under embargo and have not been approved for public release

Migration Program Outcomes by Stream and Category 2007-08 to 2017-18											
Category	**2007/2008**	**2008/2009**	**2009/2010**	**2010/2011**	**2011/2012**	**2012/2013**	**2013/2014**	**2014/2015**	**2015/2016**	**2016/2017**	**2017/18**
Family Stream											
Other Family	2,378	2,530	2,468	750	1,252	1,285	585	450	900	832	562
Parent	4,499	8,500	9,487	8,499	8,502	8,725	8,925	8,675	8,675	7,563	7,371
Partner	39,281	41,409	44,545	42,022	45,172	46,338	47,751	47,827	47,825	47,825	39,799
Family Total	**46,158**	**52,439**	**56,500**	**51,271**	**54,926**	**56,348**	**57,261**	**56,952**	**57,400**	**56,220**	**47,732**
Skill Stream											
Business Innovation and Investment	6,565	7,397	6,789	7,796	7,202	7,010	6,160	6,484	7,260	7,260	7,260
Distinguished Talent	211	201	199	125	180	200	200	200	200	200	200
Employer Sponsored	23,762	38,026	40,987	44,345	46,554	47,740	47,450	48,250	48,250	48,250	35,528
Skilled Independent	55,893	44,594	37,316	36,167	37,772	44,254	44,984	43,990	43,994	42,422	39,137
Skilled Regional	14,579	10,504	3,688	9,117	11,800	8,132	5,100	2,800	4,196	1,670	1,574
State/Territory Nominated Visa Classes	7,530	14,055	18,889	16,175	22,247	21,637	24,656	26,050	24,650	23,765	27,400
Skilled Total	**108,540**	**114,777**	**107,868**	**113,725**	**125,755**	**128,973**	**128,550**	**127,774**	**128,550**	**123,567**	**111,099**
Special Eligibility	220	175	501	417	639	842	338	238	308	421	236
Child	3,712	3,927	3,754	3,272	3,678	3,837	3,851	4,133	3,512*	3,400*	3,350*
Grand Total	**158,630**	**171,318**	**168,623**	**168,685**	**184,998**	**190,000**	**190,000**	**189,097**	**189,770**	**183,608**	**162,417**

* From 2015-16 the Child program has transitioned to a demand driven model. The outcomes from 2015-16 onwards are not subject to a ceiling cap.

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Australian Government

Department of Home Affairs

Refugee and Humanitarian Policy

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Key Issues

- Australia is a leader in providing humanitarian resettlement for refugees – consistently in the top three internationally (with the United States and Canada).
- Our world leading humanitarian resettlement program includes:
  - an offshore resettlement component, through which we offer resettlement to refugees and other people in humanitarian need overseas; and
  - an onshore protection component for people who have arrived in Australia lawfully and seek and are found to be refugees according to the *United Nations Convention relating to the Status of Refugees*.
- An overview of the refugee and humanitarian visas is at Attachment A.
- Settlement services to help refugees rebuild their lives in Australia are the responsibility of the Department of Social Services.

How is the size and composition of the intake determined?

- The Government generally determines the size of the Humanitarian Program on a four-yearly basis through the Budget process.
  - The Program for 2018-19 will include 18,750 places.
  - In 2017-18, the Program was for 16,250 places.
- The minimum size of the Humanitarian Program can be specified in a legislative instrument made under section 39A of the *Migration Act 1958*. The current instrument will expire on 30 June 2019.
  - There is no legislative requirement to make a new instrument.
  - The number of visas granted can exceed the number specified in the legislative instrument.
    - In 2015, for example, the Government agreed to an additional intake of 12,000 places for people displaced by conflict in Syria and Iraq.
- The onshore protection component varies year to year (largely reflecting the number of grants to people who successfully seek asylum in Australia).
  - Only permanent Protection visas granted to lawful arrivals are counted towards the Humanitarian Program.
    - Temporary Protection visas granted to Illegal Maritime Arrivals are not included in the Program and are not subject to annual caps or targets.
- s47C [redacted], you s47C [redacted] determine the composition of the Humanitarian Program annually.
  - In informing your decision, you normally conduct public consultations (the former Minister undertook public consultations on the 2018-19 Program in May and June).
  - s47C [redacted]

s34 [redacted]

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s34

s47C

Additional Background

Humanitarian Program function, size and composition

- In 2018-19, the size of the Humanitarian Program is set at 18,750 places.
- In 2017-18 the Humanitarian Program delivered 16,250 places including:
  - 1,425 places under the onshore component
  - 14,825 places under the offshore component
  - priority regions were the Middle East, Asia and Africa.

Onshore Protection

- Lawful arrivals who engage Australia's international protection ('non-refoulement') obligations are currently 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.
- The temporary protection regime entails the 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 visas (including prescribed permanent visas) if they have worked without accessing special benefits and/or studied full time or a combination of both, in a specified regional area for a period totalling 42 months.

Offshore resettlement

- The Offshore Humanitarian Program:
  - provides permanent resettlement to those most in need, including in refugee camps and protracted refugee situations (the Refugee category - for people who are subject to persecution in their home country)
  - reunites refugees and people who are in refugee-like situations overseas with their family in Australia (the SHP category for people who are subject to substantial discrimination in their home country and have a link, usually family, in Australia) and
  - uses resettlement strategically to help stabilise refugee populations and reduce the risk of further irregular movement.

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Contact Details
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

Refugee and Humanitarian Visas

Offshore Humanitarian visa subclasses

- There are two categories:
  - refugee category, for people who are subject to persecution in their home country, and
  - special humanitarian category, for people who are subject to substantial discrimination amounting to gross violation of human rights and who have links to Australia.

- Permanent visas are granted to people applying under the offshore Humanitarian program who meet the criteria for the grant of the relevant visa, including health, character and security requirements.
- Demand for offshore Humanitarian visas is substantially higher than the number of visas available each year. When assessing visa applications under this Program the following factors are taken into consideration:
  - the degree of persecution or discrimination to which the applicant is subject in their home country.
  - the extent of the applicant's connection with Australia.
  - whether or not there is any suitable country available, other than Australia, that can provide for the applicant's settlement and protection.
  - the capacity of the Australian community to provide for the settlement of persons such as the applicant.

Refugee category visas	
Subclass	**Who can apply for this visa subclass?**
200 Refugee	A person who lives outside their home country and is subject to persecution in that country
201 In-country Special Humanitarian	A person who lives in their home country and is subject to persecution in that country
203 Emergency Rescue	A person who is subject to persecution in their home country and is in urgent or compelling need to travel to Australia, for example because they face an immediate threat to their life
204 Woman at Risk	A female person who is outside their home country and is subject to persecution or registered as of concern to the UNHCR
Special Humanitarian Programme category visas	
Subclass	**Who can apply for this visa subclass?**
202 Global Special Humanitarian	A person who is outside their home country, has links to Australia and is subject to substantial discrimination in their home country

Onshore Protection visa subclasses

- A person will engage Australia's protection obligations if:
  - there are found to be a refugee or
  - they engage Australia's complementary protection obligations due to a real risk that they will suffer significant harm if returned to their home country.
- The definition of a refugee in the Migration Act is based on the Refugees Convention.
- Complementary protection provisions are based on Australia's international obligations as a signatory to the *International Covenant on Civil and Political Rights* and the *Convention against Torture*.
- People found to engage Australia's protection obligations after arrival to Australia and who meet health, character and security requirements are granted permanent or temporary protection visas depending on whether they arrived in Australia lawfully or unlawfully.
- Some people are excluded from meeting the criteria for the grant of a Protection visa:
  - people who represent a danger to Australia's security or to the Australian community;

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- people who are not deserving of Australia's protection because they:
  - committed a crime against peace, a war crime or a crime against humanity
  - committed a serious non-political crime; or
  - have been found guilty of acts contrary to the purposes and principles of the United Nations.

- People who leave their country because of generalised violence, breakdown of law and order, or in search of economic opportunities are unlikely to engage Australia's protection obligations.

Protection visa subclass	Who can apply for this visa subclass?	What type of residency does the visa provide?
866 Permanent Protection visa	A person who entered Australia lawfully and raised claims for protection	Permanent residency and ability to apply for Australian citizenship

- Illegal Maritime Arrivals (IMAs) who arrived in Australia on or after 13 August 2012 and Unauthorised Air Arrivals who enter Australia without a visa, must meet the same requirements as other onshore protection applicants, but are only eligible for a temporary visa.
  - On 13 August 2012, regional processing arrangements for IMAs were introduced. Asylum seekers were considered for transfer on a case by case basis.
  - On 19 July 2013 regional processing became mandatory for all IMAs who arrived in Australia on or after this date.
  - IMAs transferred to Nauru or Papua New Guinea are not able to make an Australian visa application and must have their protection claims processed in Nauru or PNG (subject to a small number of exceptions).

Protection visa subclass	Who can apply for this visa subclass?	What type of residency does the visa provide?
785 Temporary Protection visa (TPV)	A person who entered Australia unlawfully by sea or air and raised claims for protection	Temporary residency for three years with no pathways to permanent residency.
790 Safe Haven Enterprise visa (SHEV)	A person who entered Australia unlawfully by sea or air, raised claims for protection and declared an intention to work and/or study in regional Australia	Temporary residency for five years with a pathway to permanent residency.

Humanitarian Program applications lodged 2014-15 to 2017-18

Humanitarian Program Lodgements	2014–15	2015–16	2016–17	2017–18
Subclass 200—Refugee	16,196	34,536	37,276	21,456
Subclass 201—In-country Special Humanitarian & Subclass 203—Emergency Rescue	4,293	3,392	4,667	5,779
Subclass 204—Woman at Risk	825	1,526	1,539	609
Subclass 202—Special Humanitarian Programme	41,372	38,186	47,695	46,236
Total offshore visa lodgements	**62,686**	**77,640**	**91,177**	**74,080**
Subclass 866 – Permanent Protection Visa	8,758	12,686	18,414	27,802
Total onshore visa lodgements	**8,758**	**12,686**	**18,414**	**27,802**
Total Humanitarian Program lodgements	**71,444**	**90,326**	**109,591**	**101,882**

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Humanitarian Program visa grants 2014-15 to 2017-18*

Humanitarian Program visa grants 2014–15 to 2017–18	2014–15	2015–16	2016–17	2017–18
	Grants	Grants	Grants	Grants
Subclass 200—Refugee	4,848	6,843	8,328	5,890
Subclass 201—In-country Special Humanitarian & Subclass 203—Emergency Rescue	144	164	281	1,079
Subclass 204—Woman at Risk	993	1,277	1,044	940
Subclass 202—Special Humanitarian Programme	4,996	7,268	10,604	6,916
Total offshore visa Finalisations	**10,981**	**15,552**	**20,257**	**14,825**
Subclass 866 – Permanent Protection Visa	2,750	2,003	1,711	1,425
Total onshore visa Finalisations	**2,750**	**2,003**	**1,711**	**1,425**
Total Humanitarian Program	**13,731**	**17,555**	**21,968**	**16,250**

*Including visas granted between 2015-2017 under the additional allocation for Syrians and Iraqis.

Humanitarian Program visa refusals 2014–15 to 2017–18	2014–15	2015–16	2016–17	2017–18
	Refusals	Refusals	Refusals	Refusals
Subclass 200—Refugee	23,193	8,299	35,714	18,885
Subclass 201—In-country Special Humanitarian & Subclass 203—Emergency Rescue	144	2,458	5,958	1,212
Subclass 204—Woman at Risk	993	126	703	113
Subclass 202—Special Humanitarian Programme	4,996	19,193	59,418	46,447
Total offshore visa Finalisations	**29,326**	**30,076**	**101,793**	**66,657**
Subclass 866 – Permanent Protection Visa	4,112	4,723	7,516	6,237
Total onshore visa Finalisations	**4,112**	**4,723**	**7,516**	**6,237**
Total Humanitarian Program	**33,438**	**34,799**	**109,309**	**72,894**

Top ten countries of birth for persons granted Humanitarian visas offshore

2017–18		
Country of birth	**Number**	**Per cent**
Iraq	4,630	32.90%
Syria	3,227	22.90%
Myanmar	2,043	14.50%
Dem. Rep. of the Congo	1,135	9.60%
Afghanistan	1,130	8.00%
Eritrea	494	3.50%
Ethiopia	481	3.40%
Bhutan	308	2.20%
Iran	218	1.50%
Tibet (so stated)	200	1.40%
Other	739	5.00%
Total	**14,825**	**100%**

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2016–17		
Country of birth	**Number**	**Per cent**
Iraq	7,478	36.90%
Syria	6,261	30.90%
Afghanistan	1,958	9.70%
Myanmar	1,747	8.60%
Bhutan	555	2.70%
Dem. Rep. of the Congo	336	1.70%
Eritrea	323	1.60%
Ethiopia	323	1.60%
South Sudan	316	1.60%
Somalia	162	0.80%
Other	798	3.90%
Total	**20,257**	**100%**

2015–16		
Country of birth	**Number**	**Per cent**
Iraq	4,358	28.00%
Syria	4,261	27.40%
Myanmar	1,951	12.50%
Afghanistan	1,714	11.00%
Dem. Rep. of the Congo	657	4.20%
Bhutan	515	3.30%
Somalia	437	2.80%
Iran	337	2.20%
Ethiopia	337	2.20%
Eritrea	291	1.90%
Other	694	4.50%
Total	**15,552**	**100%**

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2014–15		
Country of birth	**Number**	**Per cent**
Iraq	2,332	21.20%
Syria	2,230	20.30%
Myanmar	2,027	18.50%
Afghanistan	1,800	16.40%
Dem. Rep. of the Congo	384	3.50%
Eritrea	362	3.30%
Bhutan	354	3.20%
Iran	331	3.00%
Somalia	286	2.60%
Ethiopia	282	2.60%
Other	593	5.40%
Total	**10,981**	**100%**

Top ten Citizenships for persons granted permanent Onshore Protection visas in Australia

Citizenship	2014–15	2015–16	2016–17	2017–18
AFGHANISTAN	122	131	79	19
CHINA, PEOPLES REPUBLIC OF	235	120	94	85
FIJI	44	19	18	19
INDIA	54	32	37	24
INDONESIA	21	19	8	5
IRAN	340	118	118	79
IRAQ	357	427	339	297
MALAYSIA	25	17	23	90
PAKISTAN	430	225	202	208
SRI LANKA	54	34	32	14
Other	1068	861	761	585
Total	**2750**	**2003**	**1711**	**1425**

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Australian Government

Department of Home Affairs

Multicultural Affairs Programs

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Key Issues

- In March 2017 the Australian Government reaffirmed its commitment to multicultural Australia in its statement — *Multicultural Australia: united, strong, successful* which sets policy and program priorities and directions on multicultural affairs, focusing on three strategic directions:
    - 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.
- This is supported by Multicultural Affairs programs managed by the Department of Home Affairs and settlement services for newly arrive migrants managed by the Department of Social Services.
- The former Minister for Citizenship and Multicultural Affairs the Hon Alan Tudge MP commenced intensive **engagement with multicultural and ethnic community organisations and leaders** in 2018. Community forums were organised by Regional Offices and held in Brisbane, Adelaide, Melbourne, Sydney and Parramatta.
    - At these forums, the former Minister spoke about the need for English language for integration, and Citizenship reforms, and sought community feedback.
    - The Canberra event was held on 23 August 2018 without ministerial attendance.
    - The former Minister had also sought greater engagement with priority communities, which he cited as Chinese, Indian, refugee and humanitarian, and Muslim, by the Department of Home Affairs through its Regional Directors (NSW/ACT, Vic/Tas, SA/NT, WA and Qld) and Community Liaison Officer Network (CLON).
    - The CLON was re-established following the December 2018 machinery of government changes when multicultural affairs policy and engagement function joined Home Affairs (it was previously part of the former immigration portfolio).
- Your engagement with ethnic communities, including meetings and attendance at community events is supported by the Department, through
    - early advice about any sensitivities including whether to decline invitations, noting that some need consultation with the Department of Foreign Affairs and Trade.
    - briefs for meetings or events, including speeches.
- The largest upcoming community events are Deepavali/Diwali on 7 November 2018 and Lunar New Year on 5 February 2019 (Year of the Pig). Community functions will usually be held within four weeks of these dates, on either side.
    - Given current sensitivities about foreign interference, the Department can provide advice about each Chinese New Year invitation received. Your Office's immediate referral will ensure that we can provide advice to support your attendance or decline of invitations.
- On 16 April 2018 the former Prime Minister approved the $5 million **Fostering Integration Grants scheme (FIGs)** which was announced in the 2018-19 Budget.
- The Department has developed proposed Grant Opportunity Guidelines for the FIGs. The grant opportunity will support not-for-profit community organisations through grants of between $10,000 and $50,000 to undertake activities that:
    - encourage the social and economic participation of migrants by developing skills and cultural competencies to integrate into Australian social, economic and civil life, and build community resilience
    - promote and encouraging the uptake of Australian values and liberal democracy and amplifying the value of Australian citizenship
    - address issues within Australian communities that show potential for, or early signs of, low social integration

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  - promote a greater understanding and tolerance of racial, religious and cultural diversity.
- The Department of Finance is currently undertaking a risk assessment of the FIGs Grant Opportunity Guidelines and are expected to issue their risk assessment by 29 August 2018. Should the Department of Finance issue a medium risk rating (which is expected) you will be required to seek agreement from the Minister for Finance, Senator the Hon Mathias Cormann, to release the guidelines and advertise the FIGs grant opportunity. You will be briefed on this separately.
- It is anticipated that the grant opportunity will go live in late September 2018 and activities will commence by March 2019.
  On 22 June 2018, former Minister Tudge, announced a new three-year term for an expanded **Australian Multicultural Council**. The first meeting of the 12-member Council took place on 20 August 2018 in Canberra during which the then Minister invited all Council members to contact his office directly if needed, although expressing a preference that contact be channelled through the Chair. The Council Chair, Dr Sev Ozdowski, will likely expect to hear from you in the near future. More information on the Council, its activities and members can be found at Attachment A.
- On the 18 July 2018 the Department entered into a new four year grant agreement with the **Federation of Ethnic Communities' Councils of Australia (FECCA)**, providing funding of $1,691,000 (GST exclusive) for the period 2018-19 to 2021-2022.
  - FECCA is the peak national body representing Australians from culturally and linguistically diverse (CALD) backgrounds. FECCA has received Commonwealth funding since 1981 to represent the views of multicultural communities, build community capacity and conduct research and community consultations.
- **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 Australian multiculturalism, based on the successful integration of migrants into our community. Since 1999, more than 70,000 Harmony Day events have been held in childcare centres, schools, community groups, churches, businesses and federal, state and local government agencies across Australia.
  - Your Office will be briefed regarding options for Harmony Day 2019, including media and engagement opportunities.
- The **Multicultural Access and Equity Policy** aims to ensure that Australian Government programs and services meet the needs of all Australians, whatever their cultural and linguistic background.
  - Triennial reports on Australian Government agencies' performance against the Policy are tabled in Parliament every three years. The next report will be presented in the second half of 2019.
- The Department has also **sponsored** a number of organisations to support the integration of migrants and promote Australian values and citizenship, including:
  - Power Community Limited to deliver their Power Intercultural Program - a curriculum based program delivered by former football players to secondary students to explore a shared Australian culture
  - the Australian Day Council of South Australia to pilot a program on civics, values.
  - the Ethnic Business Awards, which recognise the contributions of migrants to the Australian economy. The 2018 Gala Presentation will be held on 22 November in Sydney. You will be briefed further should you chose to attend this event.

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Attachments

Attachment A – Australian Multicultural Council

Contact Details
Name: Frances Finney, Acting First Assistant Secretary, Refugee, Citizenship and Multicultural Programs Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attendees	
AMC Chair	Prof. Dr Sev Ozdowski AM FRSN
AMC Deputy Chair	Dr Bulent Hass Dellal AO
AMC member	Mr Craig Foster
AMC member	Ms Claudine Menegazzo BA
AMC member	Mrs Charlotte Vidor
AMC member	Ms Anthea Hancocks BSC MBA MA FAICD
AMC member	Mr Vasan Srinivasan
AMC member	Mr Tsebin Tchen
AMC member	Mr Jason Yeap OAM
AMC member	Ms Leila Abukar
AMC member	Dr Marina Hogan
AMC member	Ms Helena Kyriazopoulos

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Australian Government
Department of Home Affairs

Global Compacts on Migration and Refugees

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Key Issues

- On 19 September 2016, Australia joined United Nations (UN) Member States in adopting the New York Declaration for Refugees and Migrants (New York Declaration), agreeing to work towards the adoption of two Global Compacts in 2018 – one on refugees and one for migration.
    - Formal negotiations for the Global Compact for Migration (GCM) and consultations for the Global Compact on Refugees (GCR) concluded in July 2018.
- The final text of both Compacts includes provisions inconsistent with current Australian Government policy, including a lack of acknowledgement and respect for State sovereignty, commitments that undermine Australia's strong border protection and regional processing policies, and prescriptive language on resettlement.
    - The Australian Government has made clear that it will not support processes that undermine or seek to constrain sovereign control of its border, immigration and humanitarian policies.
- s34
-

Global Compact for Migration

- The intergovernmental negotiations for the GCM concluded in New York on 13 July 2018. The GCM is scheduled for agreement by two-thirds consensus at an Intergovernmental Conference in Morocco on 10-11 December, with formal adoption at the UN General Assembly in the months following.
- Australia engaged constructively throughout the GCM negotiations, advocating for a Compact that is realistic, not unduly prescriptive, and considers the full spectrum of effective responses to irregular migration – without incentivising it.
- Australia consistently expressed reservations about references in the GCM that are contrary to our core migration, border protection and resettlement policy settings. The final GCM retains a number of provisions that directly contravene Australia's migration and border policies, such as Operation Sovereign Borders (OSB) and regional processing. These include:
    - Commitments to respond to particular vulnerabilities created by modes of travel that imply a duty of care in 'transit' countries. This includes potentially creating ongoing obligations to returnees once removed to their country of origin.
    - Prescriptive language proposing individualised assessments prior to returns across international borders, with serious consequences for the operationalisation of OSB.
    - Commitments to limit the use of all forms of detention, including using it as a last resort, and to end the practice of child detention.
    - Language that supports de facto regularisation of irregular migrants, and implies a 'third category of migrant' that may be afforded protection based on vulnerability.
- s33(a)(iii)

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US and Hungary - withdrawal from the GCM

- The US withdrew from the GCM process in December 2016, citing national sovereignty concerns, and Hungary withdrew on 18 July 2018, citing national security concerns and questioning the GCM's legally non-binding status.

Global Compact on Refugees

- Home Affairs, as co-lead with the Department of Foreign Affairs and Trade (DFAT), have collaborated throughout all six consultations on the GCR. The final consultation on the GCR, led by the UN High Commissioner for Refugees, concluded on 4 July 2018. An advance copy of the final GCR was released on 20 July 2018, and will be accepted through its submission to the 73rd session of the United Nations General Assembly (UNGA) in September 2018.
- The GCR is broadly consistent with Australia's priorities in promoting shared responsibility for addressing the causes of displacement, and protecting and assisting refugees as close to home as possible. The GCR aims to expand responsibility sharing for international humanitarian and resettlement assistance, and Australia is already a significant contributor to both.
- Australia has consistently maintained that Member States must be able to flexibly manage their resettlement programs to reflect their own economic and social circumstances, and to ensure integrity of their program. While Home Affairs has seen considerable improvements in the GCR, we have remaining concerns with the prescriptive resettlement language in the final text, specifically:
    - References regarding how Member States should manage their resettlement programs, with explicit targets and timeframes for assessing cases referred by the UNHCR.
    - Recommendations that the UNHCR remain the primary refugee referral agency globally.
    - Preferential allocation of resettlement places according to the UNHCR's criteria, rather than States determining program composition.
- s33(a)(iii) [redacted]

Background

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 former Minister for Immigration and Border Protection and the former Minister for Foreign Affairs jointly agreed to a policy position paper outlining objectives for development of both Global Compacts. The paper prepared by Home Affairs and the Department of Foreign Affairs and Trade (DFAT) reflects input and advice from the Department of the Prime Minister and Cabinet, Department of Social Services, Attorney-General's Department, and the Department of Jobs and Small Business. The former Prime Minister endorsed paper (23 January 2018) has informed all engagement on the Compacts.

Contact Details
Name: David Wilden, First Assistant Secretary, International Policy Division
Phone: (w) s22(1)(a)(ii) [redacted] (m) s22(1)(a)(ii) [redacted]

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Australian Government

Department of Home Affairs

Citizenship Program and Ceremonies

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Key Issues

Requirement for the Minister's signature on citizenship certificates

- The Australian Citizenship Regulation 2016 requires that Australian citizenship certificates must display the signature of the 'Minister for Immigration and Border Protection'.
- The Department will shortly seek your signature for use on citizenship certificates, via a ministerial submission.
- Printing of certificates has ceased as of 21 August 2018, pending obtaining your signature for electronic use.
- Until your signature is obtained clients will continue to attend ceremonies and become Australian citizens, however they will not receive their certificate on the day. These clients will have their certificate posted directly to them once printing has resumed.

Delays in citizenship processing

- Recent media coverage has highlighted concerns with the increasing size of the on-hand citizenship by conferral (conferral) caseload, and increasing conferral processing times, over recent years.
  - From 30 June 2015 to 30 June 2018, the on-hand conferral caseload increased from 27,872 to 242,606.
  - Average conferral processing times have increased from 2015-16 to 2017-18 by around seven months (from application to decision, for valid applications only).
- There are three factors driving increased citizenship processing times and the growing on-hand caseload:
  - an increased focus on integrity and community safety in the program
  - increased demand for Australian citizenship, and
  - an increase in the number of cases requiring complex identity assessment.

s47E(d), s47C

[redacted]

Increased demand for Australian citizenship

- Demand for Australian citizenship increased by 176 per cent between 2010-11 and 2017-18 (including valid and invalid applications), and remains at record highs.
- The sustained increase in demand for Australian citizenship affects processing times as the Department completes the necessary checks to ensure that each of these new applicants meets the legislative requirements to become Australian citizens.

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s47E(d), s47C [redacted]

External scrutiny of citizenship processing

- s47E(d), s47C [redacted]
- Public scrutiny has been sustained through complaints to the Commonwealth Ombudsman regarding the progress of individual cases, complaints raised by stakeholders (such as the Refugee Council of Australia), and through questions asked at Senate Estimates hearings, through Parliamentary Questions on Notice, by MPs on behalf of constituents, and by applicants through client feedback channels.
- Two Federal Court cases (BMF16 and BMG16) were sponsored by Refugee Council of Australia. On 16 December 2016, the Federal Court found there had been an unreasonable delay by the Department in deciding the citizenship applications of these two cases.

Commonwealth Ombudsman

- On 18 December 2017, the Commonwealth Ombudsman released its Own Motion Investigation report into "Delays in processing application for Australian citizenship by conferral" (the Report).
- The Report acknowledges that the Department has already undertaken considerable work to address a range of complex program management and integrity issues including addressing significant identity concerns, resulting in an increase in time taken to resolve and decide high-risk applications.
- The Report made four recommendations (all agreed to by the Department). Implementation of all recommendations are well progressed.

The Australian National Audit Office (ANAO)

- In February 2018, the ANAO commenced an audit on the effectiveness and efficiency of the Australian citizenship program. The objective of the audit is to examine whether applications for citizenship by conferral have been processed in a time-efficient manner and a resource-efficient manner.
- The audit is focussed in particular on the application receipt to decision-making stages of the process and the period 1 July 2016 to 31 December 2017.
- Preliminary audit findings and conclusions will be provided to the Department before the final report is prepared. The final report is expected to be presented for tabling in January 2019.

Actions taken to address the changed environment

- The Department is implementing a comprehensive strategy to enable to resolution of more cases more quickly, without adversely impacting on national security or community safety outcomes. Actions underway include:

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- Recruitment of an additional 150 citizenship decision makers, commensurate with the management of a sustainably larger on-hand pipeline of cases.
- s47E(d), s47C
- Centralising caseloads with similar s47E(d), s47C features to realise economies of scale s47E(d), s47C.
- Implementing additional specialist training and support to assist staff decision making on complex cases s47E(d), s47C.
- Reviewing the Australian Citizenship Instructions (procedural guidance) to improve consistency of decision-making.
- s47E(d), s47C

Citizenship ceremonies

- Australian citizenship ceremonies fulfil legal requirements for the acquisition of citizenship by conferral under the *Australian Citizenship Act 2007* (the Act) and the Australian Citizenship Regulations 2016 (the Regulations). Citizenship ceremonies are non-commercial apolitical, bipartisan and secular events designed to welcome new citizens in the community.
- The Australian Citizenship Ceremonies Code (the Code) provides the legal and other requirements for the conduct of Australian citizenship ceremonies.
- The Code states *"citizenship ceremonies are non-commercial, apolitical, bipartisan and secular. They must not be used as forums for political, partisan or religious expression or for the distribution of material which could be perceived to be of a commercial, political or religious nature."*
- The Code states that the Minister must be invited to all citizenship ceremonies, as a matter of course. This is a routine practice and there is no expectation that the Minister attend most of these ceremonies.
- The current version of the Code is dated 2011. s47C
- s47C
- s47C

Breaches of the Australian Citizenship Ceremonies Code

- In situations of alleged breaches of the Code, the Department and/or the Minister liaise with ceremony organisers to determine the appropriate action to be taken. This can include the Minister removing the authority of individual officials or bodies from presiding at future citizenship ceremonies.
- In August 2017, the then Assistant Minister for Immigration and Border Protection, the Hon Alex Hawke MP, revoked the Yarra and Darebin City Councils' authority to preside at citizenship ceremonies with effect from 19 August 2017 and 24 August 2017 respectively. The revocation took place as these decisions by these councils to no longer hold citizenship ceremonies on 26 January, Australia Day were considered by the Assistant Minister to be politicising ceremonies in breach of the Code.

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70th anniversary of Australian Citizenship

- Australia Day 2019 marks the 70th anniversary of Australian Citizenship when the *Nationality and Citizenship Act 1948* was enacted into law creating the status of Australian citizen.
    - The first ceremony took place on 3 February 1949 at Albert Hall, Canberra where seven people, one to represent each State and Territory, acquired Australian citizenship.
- The Department has commenced significant promotion of the 70th anniversary of Australian citizenship commencing from Australian Citizenship Day 2018. A full list of planned high profile ceremonies for the 70th anniversary including Australia Day 2019 is at **Attachment D**.
- You are invited to attend all ceremonies and in certain cases be the presiding officer if you so wish.

Additional Background

s47E(d)

Attachments

Attachment A – Australian Citizenship Program (overview)

Attachment B – Key Citizenship Program Statistics

Attachment C – Citizenship Ceremonies (overview)

Attachment D – 70th Anniversary Citizenship Ceremonies and Events

Contact Details
Name: Frances Finney, Acting First Assistant Secretary, Refugee, Citizenship and Multicultural Programs Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

Australian Citizenship Program

There are four types of applications to obtain Australian citizenship:

1. Citizenship by conferral

Persons who migrated to Australia and meet the eligibility requirements can apply for citizenship by conferral (grant).

Applicants in this category can also include:

- spouses of Australian citizens
- New Zealand and British citizens who have lived here for a long time
- children of former Australian citizens
- Papuans born before independence in 1975 who have a parent who was born in Australia
- people who arrived under the Commonwealth Child Migration Scheme
- refugees and humanitarian entrants.

Persons adopted by an Australian citizen can apply for citizenship by adoption or conferral, depending on the circumstances of their adoption.

Conferral of Australian citizenship is a two-stage process for most applicants. After being approved for conferral of Australian citizenship, most applicants aged 16 years and over do not become a citizen until they make a pledge of commitment. The pledge is usually made at a citizenship ceremony, which are mostly conducted by local councils. As such, scheduling ceremonies is only partly controlled by the Department.

2. Citizenship by descent

Persons born overseas to an Australian parent can apply for citizenship by descent.

3. Citizenship by adoption

Some people adopted overseas in accordance with the Hague Convention on Inter-country Adoption or a bilateral arrangement may be eligible for Australian citizenship by adoption.

4. Resumption of citizenship

Persons who lost or gave up their Australian citizenship can apply to resume citizenship.

Evidence of Australian citizenship

Any Australian citizen may apply for evidence of their Australian citizenship. This includes people who are Australian citizens by birth, by operation of law or by application, including children who were previously included on a parent's citizenship certificate.

Cessation of Australian Citizenship

A person may apply to renounce their Australian citizenship or in limited circumstances have their Australian citizenship revoked by the Minister. Prior to April 2002, Australian citizens could also lose their citizenship if they or their parents acquired the citizenship of another country.

Legislation

To be approved for Australian citizenship, all applicants must meet the legislative criteria set out in the *Australian Citizenship Act 2007* (the Citizenship Act). For citizenship by conferral, this applies regardless of how and when the applicant arrived in Australia. The Department assesses each citizenship application individually and on its own merits. For most adult applicants for citizenship by conferral, to be approved they must:

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- hold a permanent visa at time of application and time of decision
- satisfy a residence requirement (generally 4 years lawful stay within the 12 months prior to application as a permanent resident)
- pass the Australian citizenship test (if aged between 18 and 59 years)
- be likely to reside or continue to reside in Australia, or maintain a close and continuing association with Australia, and
- be of good character (if aged 18 years or over).

Identity of applicant

The Citizenship Act requires that an application not be approved unless the delegate is satisfied of the applicant's identity. This is appropriate given the privilege of Australian citizenship, being full and formal membership of the Australian community and the difficulties in revoking citizenship if a person was not entitled to it in the first place.

Review rights

Most decisions to refuse an application for citizenship are appealable at the Administrative Appeals Tribunal. Such refusals do not constrain the person from re-applying for Australian citizenship.

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Attachment B

Key Citizenship Program Statistics

Table 1: Number of citizenship applications received

Application type	2014-15	2015-16	2016-17	2017-18
Conferral*	191,003	196,957	203,822	238,850
Descent	20,980	21,489	21,374	20,116
Evidence	32,274	43,010	49,173	44,844
Resumption*	241	232	240	197

** includes counts of children under 16 years of age who were included on a responsible parent's application form.*
Source: Department of Home Affairs – citizenship DB2 database.
This information provided by the Department of Home Affairs was extracted from Departmental systems on 12 & 13 July 2018. As data has been drawn from a dynamic system environment, the information was correct at the time of publication and figures may differ slightly from previous or future reporting.

Table 2: Number of citizenship applications on-hand (as at 30 June 2018)

Application type	Number of applications
Conferral*	242,606
Descent	2,344
Evidence	2,793
Resumption*	64

** includes counts of children under 16 years of age who were included on a responsible parent's application form.*
Source: Department of Home Affairs – citizenship DB2 database.
This information provided by the Department of Home Affairs was extracted from Departmental systems in July 2018. As data has been drawn from a dynamic system environment, the information was correct at the time of publication and figures may differ slightly from previous or future reporting.

Table 3: Number of citizenship applications decided

Application type	2014-15	2015-16	2016-17	2017-18
Conferral*	189,831	167,668	153,888	101,439
Descent	20,139	20,930	20,980	20,940
Evidence	32,312	39,847	51,778	43,166
Resumption*	204	178	231	184

** includes counts of children under 16 years of age who were included on a responsible parent's application form.*
Source: Department of Home Affairs – citizenship DB2 database.
This information provided by the Department of Home Affairs was extracted from Departmental systems on 12 & 13 July 2018. As data has been drawn from a dynamic system environment, the information was correct at the time of publication and figures may differ slightly from previous or future reporting.

The top ten countries of birth of clients who acquired citizenship in 2017-18 were India, the United Kingdom, the Philippines, South Africa, Sri Lanka, Australia*, Ireland, Malaysia, South Korea and China.

** Clients whose country of birth is reported as "Australia" are mainly those who did not become Australian citizens at birth, due to being born in Australia on or after 20 August 1986 without a parent who was an Australian citizen or permanent resident.*

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Attachment C

Citizenship Ceremonies (Overview)

Hosting a ceremony

While the Department hosts some ceremonies, local government councils undertake the vast majority of citizenship ceremonies on behalf of the Department. Local government councils have a greater geographical reach than the Department, and having them host ceremonies ensures that new citizens are welcomed into their local community and introduced to relevant public services available locally.

The arrangement by which local government councils conduct Australian citizenship ceremonies on behalf of the Department is based on goodwill and mutual agreement, and has been in place since the 1950s.

Local government councils do not receive direct funding from the Department. The Australian Government (through the Department of Infrastructure and Regional Development) provides untied funding to councils under the Financial Assistance Grant program.

The Department may consider granting a client an urgent citizenship ceremony in exceptional, unforeseen, compelling and compassionate circumstances. However, these situations are rare.

Legal requirements of a citizenship ceremony

There are three legal requirements that must be followed at a ceremony:

- the presiding officer must be authorised by the Minister responsible for citizenship matters under the Citizenship (Authorisation) Revocation and Authorisation Instrument 2017;
- the presiding officer must read aloud the address specified in schedule 1 of the Australian Citizenship Regulation 2016 (**note** this is called the Preamble and it must be recited verbatim); and
- the conferees (people receiving citizenship) must make the pledge of commitment before the presiding officer.

From this time forward, (under God),
I pledge my loyalty to Australia and its people,
whose democratic beliefs I share,
whose rights and liberties I respect, and
whose laws I will uphold and obey

Authorisation to Preside at Australian Citizenship Ceremonies

The Citizenship (Authorisation) Revocation and Authorisation Instrument 2017 lists the class of person to receive a pledge of commitment at an Australian citizenship ceremony. This is known as Authorisation to Preside.

Selecting the presiding officer is the responsibility of the council hosting citizenship ceremonies on the Department's behalf. In the majority of cases, this will be the Mayor, Deputy Mayor or Chief Executive Officer (CEO) of that council.

All elected federal members of parliament and senators have standing authorisation to preside at citizenship ceremonies, however this occurs infrequently and usually for the Departmental ceremonies, rather than council run ceremonies.

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State and Territory members of parliament do not have standing authorisation, however they (and others) can apply to the Minister for one-off authorisation to preside at a ceremony.

Ceremony Program

Citizenship ceremonies are demand-driven. Councils hold ceremonies throughout the year according to the level of demand from approved citizenship applicants in their local area.

Ceremonies are held all year round, however, there are two key dates for holding citizenship ceremonies to promote the value of Australian citizenship:

- Australian Citizenship Day (17 September)
- Australia Day (26 January)
    - On Australia Day 2018, more than 374 ceremonies were held welcoming more than 12,087 new citizens.

In an effort to maximise the number of conferees available for Australia Day ceremonies, and in line with standard practice, the Department will contact councils requesting that they prioritise these ceremonies over others that were planned for late 2018.

Councils often plan the number and frequency of ceremonies they hold for the year in advance, based on previous levels of demand. However, past demand is not always an accurate indicator of future demand.

Therefore, it is not uncommon for councils to reschedule their forward-planned citizenship ceremonies to better reflect current demand and to accommodate other logistical changes (for example, renovations to local city halls).

Attendance at Citizenship Ceremonies

The average time an applicant will wait to attend a citizenship ceremony 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.

Government Attendance at Citizenship Ceremonies

Representatives of all three levels of government (federal, state or territory and local) must be invited to attend public citizenship ceremonies. The presence of these official guests representing all three levels of government serves to introduce new citizens to Australia's three-tiered democratic system of government as well as to welcome them into the Australian community.

Invited elected representatives cannot send a representative to act in an official capacity on their behalf.

Candidates for election may attend the ceremony in a private capacity; however, they should not receive an official invitation and should not be included in the official party.

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Citizenship Certificates

At most citizenship ceremonies, conferees are presented with their official Australian citizenship certificate. It is not a legal requirement that citizenship certificates be presented to candidates at the ceremony, or be presented by the presiding officer or other authorised person, although these are both common practice.

The Minister must sign or stamp his/her signature on the citizenship certificates. The Minister's signature is printed by the Department.

Australian Citizenship Affirmation

The Australian Citizenship Affirmation is becoming an integral part of citizenship ceremonies. The Affirmation was introduced in 1999 after demand from existing citizens to be able to make a statement of loyalty to Australia similar to the pledge of commitment.

The Affirmation is a short statement that allows everyone attending the ceremony the opportunity to affirm their loyalty to Australia and its people. The words of the Affirmation are based on the pledge.

Australian of the Year Awards

The Department also sponsors the 'Local Hero' category of the Australian of the Year Awards, and is involved in a number of related functions on and around Australia Day associated with this relationship, which are being organised by the National Australia Day Council (NADC).

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Attachment D

70th Anniversary Citizenship Ceremonies and Events

Governor General's Citizenship Day Ceremony – Old Parliament House Canberra

The Governor-General will preside at a ceremony for 30 conferees from 14 different countries at Old Parliament House commencing at 10am. If you are available to attend this ceremony there is an opportunity for you to read the Minister's message and lead those attending in the Australian Citizenship Affirmation. The citizenship ceremony will be followed by a youth forum where students will discuss the concepts from the Affirmation, Australia's common values and what it means to be become and be an Australian citizen. The youth forum will be opened by the Governor-General with Mr Eddie Woo Australia's Local Hero 2018 will facilitate the youth forum.

State Governor's Australian Citizenship Day Ceremonies – South Australia, Victoria, New South Wales and Tasmania

The State Governors of South Australia, Victoria, New South Wales and Tasmania are holding or have held citizenship ceremonies to celebrate Australian Citizenship Day. The State Governor of Victoria presided at an event at Government House on 23 August 2018, with other events being held in September. The Northern Territory Administrator is also presiding at a ceremony for Australian Citizenship Day.

Floriade – Citizenship Ceremony Canberra 19 September 2018

Two ceremonies are planned at Floriade on 19 September 2018, there will be 20 conferees at each ceremony and both ceremonies are being presided over by the First Assistant Secretary Mr Luke Mansfield, Refugee Citizenship and Multicultural Programs Division. You may wish to preside at this ceremony, noting this is a sitting week. The Floriade ceremonies are being held at 11am and 2pm.

The Huddle (North Melbourne Football Club) – Citizenship Ceremony and AFL game Melbourne 19 September 2018

This ceremony is being hosted in partnership with Wyndham City Council and the North Melbourne/Werribee Football Club. The ceremony will be presided over by Deputy Mayor of Wyndham City Council prior to kick off. 30 conferees will acquire Australian citizenship at this event.

Netball Australia – Citizenship Ceremony and International Netball game Hisene Arena Melbourne 23 September 2018

The Australian Diamonds vs New Silver Ferns match is being held on 23 September 2018. The citizenship ceremony will be held two hours prior to the game. Conferees will be able to bring along two family members with light refreshments served after the ceremony. Prior to the game, conferees will be welcomed onto the court to participate in an Affirmation ceremony, followed by the Australian and New Zealand national anthems.

Opera House – Citizenship Ceremony 3 October 2018

This event was requested by the previous Minister for Citizenship and Multicultural Affairs, the Hon Alan Tudge MP, he was originally planning to preside at this ceremony. The front steps of the Opera House have been booked, a stage and seating organised for 200 people. There will be approximately 50 conferees and their guests at this event.

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Federation of Indian Communities of Queensland (Diwali) – Citizenship Ceremony Diwali Brisbane 26 October 2018 – To Be Confirmed

The Federation of Indian Communities of Queensland are celebrating Diwali and hosting a citizenship ceremony in conjunction with this major celebration. Approximately 300 if Indian origin are expected to acquire citizenship at this ceremony.

200th Anniversary of Chinese arrivals – Citizenship Ceremony Immigration Museum Melbourne 29 October 2018 – To Be Confirmed

To celebrate the 200th anniversary of Chinese arrivals in Australia an event is being planned at the Immigration Museum in Melbourne. This ceremony is planned as a positive engagement with the Chinese community, with the number of conferees still to be confirmed.

70th anniversary commemorative coin launch – Coin Launch, Citizenship Ceremony One-Day International Cricket (Australia vs South Africa), Perth 4 November 2018

A 70th anniversary commemorative coin is being minted in Perth to celebrate the 70th anniversary. Cricket Australia has been approached regarding the possibility of the previous Minister being present at the coin toss of a one-day international cricket match, using the 70th anniversary coin. The Governor-General has also expressed interest in involvement with the 70th anniversary commemorative coin with potential of a proposed visit to Perth Mint.

Maritime Museum – Citizenship Ceremony Freemantle 5 November 2018

In conjunction with the coin launch at the cricket on 4 November 2018, a citizenship ceremony is being held at the Maritime Museum in Freemantle on 5 November 2018. It had been planned that this event would be presided over by the former Minister. The number of conferees for this citizenship ceremony is still to be confirmed, the venue has been booked.

Australia Day – Citizenship Ceremony Rond Terrace Canberra 26 January 2019

As in previous years there will be a citizenship ceremony at Rond Terrace, it is expected that the Prime Minister will preside at the ceremony and that the Governor-General will attend and lead the Australian Citizenship Affirmation. The National Australia Day Council organises this event every year and it is televised by the ABC.

Australia Day – Citizenship Ceremonies

The majority of States and Territories organise high profile ceremonies for Australia Day, either on the day or on days around Australia Day. The planning for these ceremonies usually commence after the Australian Citizenship Day ceremonies and events. We will provide a list of planned ceremonies to your office by November 2018.

70th Anniversary of the First Citizenship Ceremony – Citizenship Ceremony, Albert Hall, Canberra 3 February 2019

This if the final event marking celebrations of the 70th anniversary of Australian citizenship, a re-creation of the first ever citizenship ceremony in Australia. Seven conferees as per the 1949 ceremony, likely to be drawn from the seven States and Territories. The Governor-General has expressed interest in the being involved in this event. We are seeking to have seven female participants.

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Australian Government

Department of Home Affairs

Citizenship Reforms

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Key Issues

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- An overview of the announced reform measures is at Attachment A.

Additional Background

- On 20 April 2017, the former Prime Minister and the then Minister for Immigration and Border Protection announced changes to requirements for Australian citizenship.
- On 15 June 2017, the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 (the Bill) (this document is provided in your supplementary reading pack) was introduced into the Parliament to enable the reforms.
- 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 Bill was discharged from the Senate Notice Paper on 18 October 2017.
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Attachments

Attachment A – Overview of citizenship reform measures

Attachment B – Background

Contact Details
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A: Overview of citizenship reform measures

Measure	s34	2017 announced reforms	Current	s34
General Residence Details about pathways for New Zealand citizens see Attachment B.		4 years permanent residence in Australia immediately prior to applying. No more than 12 months outside Australia in the 4 years. 365 days outside Australia during the 4-year permanent residence period.	4 years residence in Australia, including 12 months permanent residence in Australia immediately prior to applying. 12 months outside Australia during the 4 years residence period. 90 days outside Australia during the permanent residence period.	
English language See Attachment B for details.		Proposed government amendment to require at least 'Modest' English. Consistent with skilled visa requirements.	'Basic' English (not defined in legislation)	
English language See Attachment B for details.		Standalone test with approved English language provider	English proficiency tested via the citizenship test	
Australian Values Statement (AVS)		Revised AVS will require visa and citizenship applicants to make an undertaking to integrate into and contribute to the Australian community	Applicants sign AVS on visa and citizenship applications.	
Citizenship test See Attachment B for details.		New multiple choice questions on Australian values: Respect, Equality, Freedom, and privileges and responsibilities of Australian citizenship.	Multiple choice test with no specific values questions.	
Citizenship test See Attachment B for details.		After failing the test 3 times, applicants are barred from reapplying for 2 years.	Applicants sit the test unlimited number of times	
Citizenship test		Administered via: Standard test Assisted test	Administered via: Standard test Assisted test	

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See Attachment B for details.	s34		Course based test	s34
Australian Values Assessment See Attachment B for details.		Applicants to demonstrate their integration into the Australian community.	Not assessed (only character)	
Pledge of Allegiance		Pledge to reference 'allegiance' to Australia and the Australian people	Pledge references 'loyalty' to Australia and the Australian people	
Pledge of Allegiance		Pledge to be made by all applicants over 16 in all streams of citizenship (conferral, descent, adoption, resumption).	Pledge only made by applicants over 16 in conferral stream	
Automatic acquisition of citizenship (10 year rule)		Creating exceptions to the automatic acquisition of citizenship at ten years of age (the 'ten year rule') in the case of the children of diplomats and unlawful non-citizens including Illegal Maritime Arrivals.	'Ten year rule' resulting in children of diplomats or IMAs automatically acquiring citizenship	
Automatic acquisition of citizenship		This amendment will clarify the circumstances in which a child is presumed to be born in Australia when found to be an abandoned child. It will exclude people who are known to have been physically outside Australia prior to being 'found abandoned'. This reduces the risk of people seeking to bypass migration requirements.	People who are known to have been physically outside Australia prior to being 'found abandoned' being eligible for automatic acquisition of citizenship under the child abandonment provisions.	
Ministerial powers to enhance programme integrity		- Personal decisions made by the Minister in the public interest not being subject to merits review. - The Minister having the power to set aside decisions of the Administrative Appeals Tribunal (AAT) concerning identity and	Personal decisions made by the Minister are subject to merits review. The Minister has no power to set aside decisions of the Administrative Appeals Tribunal (AAT) concerning identity and	

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	s34	character, in the public interest. - Ministerial power to cancel approval of citizenship prior to pledge if an applicant is no longer eligible or if the pledge is not made within 12 months. -Ministerial discretion to revoke citizenship on grounds of fraud or misrepresentation in migration or citizenship processes, without requirement for prior conviction of relevant criminal offence -Ministerial discretion to revoke citizenship by descent where approval should not have been given.	character, in the public interest. This is inconsistent with visa decisions under the *Migration Act 1958*.	s34

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Attachment B: Background

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[redacted]

English Language – 2017 measure

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.

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The IELTS scale		
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.

Exemptions to the English language test and citizenship test

- Exemptions to the English language test and citizenship test will apply for those applicants who:
  - have a permanent or enduring physical or mental incapacity; or
  - are aged over 60 or have a hearing, speech or sight impairment; or
  - are aged under 16; or
  - applied under the born in Papua, born to a former Australian citizen or statelessness provisions.
- In addition, citizens of the United Kingdom, the United States of America, Canada, New Zealand or the Republic of Ireland when they apply for citizenship will not be required to provide evidence of English language proficiency. This is consistent with how the Department currently determines competent English for the purposes of skilled visas.

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[redacted]

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Integration requirements – 2017 measure

- The new strengthened citizenship application requirements will include requiring applicants to demonstrate their integration into the Australian community by providing, for example, documentation to the effect that people:
- who can work are working, or are actively looking for work or seeking to educate themselves
- are contributing to the community by being actively involved in community or voluntary organisations
- are properly paying their taxes and ensuring their children are being educated.
- Applicants' criminal records and adherence to social security laws are also relevant.
- Relevant publications such as the Citizenship: Our Common Bond test booklet will be updated with new information on the new test component including allegiance, Australian values and integration.

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.

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Australian Government

Department of Home Affairs

Review of Citizenship Loss Process

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Key Issues

s33(a)(i), s47C

[redacted]

Additional 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.

  Section 33AA

  A dual citizen aged 14 or older automatically renounces their Australian citizenship if they engage in terrorism-related conduct (including, amongst other things, engaging in a terrorist act, recruiting for a terrorist organisation or financing terrorism) with intent to advance a political, religious or ideological cause and to coerce or intimidate an arm of the Australian Government or a foreign government or the public.

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Section 35

A dual citizen aged 14 or older automatically renounces their Australian citizenship if, outside Australia, they fight for or are in the service of a declared terrorist organisation, except where a person's actions are unintentional, done under duress or the person is providing neutral and independent humanitarian assistance. Section 35 also applies if a person serves in the armed forces of a country at war with Australia.

Section 35A

The Minister may determine that a dual citizen ceases to be an Australian citizen if the person has been convicted of and sentenced (for a period of at least 6 years) for certain terrorism-related offences in Australia and the conduct underpinning the conviction shows they have repudiated their allegiance to Australia. This is not an operation of law provision and the person will first be afforded natural justice before any decision is made.

Contact Details
Name: Hamish Hansford, First Assistant Secretary, National Security and Law Enforcement Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Australian Government

Department of Home Affairs

Introduction of Temporary Skill Shortage (TSS) Visa

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Key Issues

Commencement of the Temporary Skill Shortage visa

- The Temporary Skill Shortage (TSS) visa commenced on 18 March 2018. The TSS visa replaced the 457 visa. The TSS visa:
  - provides Australian workers with first priority for jobs, while allowing business to access the skills they need to grow if Australians are not available; and
  - enhances the integrity and responsiveness of Australia's skilled migration program.
- Complementary reforms were also made to the permanent employer sponsored visas to limit the circumstances in which a temporary visa holder can obtain permanent residence.
- The abolition of the 457 visa and complementary reforms were first announced by the Prime Minister in April 2017.

Global Talent Scheme

- The Global Talent Scheme (GTS) pilot commenced on 1 July 2018.
  - The GTS operates under the Labour Agreements stream of the TSS visa.
  - It enables established businesses and startups to sponsor highly-skilled workers in niche roles not covered by the standard TSS visa.
    - The GTS will provide streamlined processing and flexibility in visa criteria including access to four year TSS visas, a permanent residence option and age cap concessions.
  - The GTS has mitigated stakeholder criticism of the TSS visa reforms regarding availability of niche occupations and uncertainty about permanent residence outcomes.

Skilling Australians Fund Bills

- The Skilling Australians Fund Bills commenced on 12 August 2018. The bills enabled new requirements for a Skilling Australians Fund (SAF) levy and Labour Market Testing (LMT).

Skilling Australians Fund Levy

- Employers nominating temporary and permanent skilled workers are required to pay a SAF levy, which offsets expenditure by the Department of Education and Training through the Skilling Australians Fund.
  - The purpose of the levy is to require employers who skilled workers to contribute to the broader skills development of Australians.
  - The SAF levy amount is payable in full when employers lodge an application to nominate an overseas worker:
    - for TSS visa nominations - $1,200 a year for businesses with a turnover of less than ten million or $1,800 a year for businesses with a turnover of ten million and above;
    - for Employer Nomination Scheme nominations - $3,000 one-off payment and
    - for Regional Sponsored Migration Scheme nominations - $5,000 one-off payment.

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Labour Market Testing

- Tightened Labour Market Testing (LMT) requirements for the TSS visa commenced on 12 August 2018.
  - Employers seeking to sponsor skilled workers under the TSS visa program must be able to show they have tested the Australian labour market to determine no suitable workers are available.
  - LMT is mandatory under the TSS, except where an international trade obligation applies.
  - LMT must be conducted over four weeks (previously 21 days) and within four months (previously 6 months) of lodging a nomination and advertisements must specify position title/description, skill or experience requirements, salary (waived if salary is higher than $96,400) and company/recruiting agency.
  - A least two advertisements should be conducted using the methods of a national recruitment website, national print media/radio or business website of accredited sponsors.
  - LMT flexibility in relation to the LMT manner and time period for: some intra-corporate transferees; internationally recognised talent; key medical occupations; nominations for existing workers lodged solely because of a change in business structure or pay; and senior executive positions with annual earnings of $250,000 or higher.

<u>Impact of the TSS visa reforms</u>

- There are early indications that the TSS visa reforms are meeting their objectives.
  - Salary and skill level have increased in the TSS visa program compared to the 457 program in 2017-18:
    - $15,000 higher average remuneration ($110,000 compared to $95,000 for the 457 visa program);
    - 83% of TSS visa program skill level 1 (compared with 68% of 457 visa program).
  - There was a decrease in visa numbers:
    - 8% decrease in 457/TSS primary visa holders in June 2018, compared to June 2017;
    - 28.4% decrease in 457/TSS primary visa applications in 2017-18, compared to 457 visa applications in 2016-17;
    - 21.2% decrease in 457/TSS holders being granted a provisional or permanent skilled visa in 2017-18, compared to 2016-17.

<u>Further Integrity Measures</u>

- The final element of the TSS visa reforms involves publishing sponsor sanction decisions and sharing tax file numbers of skilled migrants. This will be implemented through the Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017.
  - This Bill passed the House of Representatives on 27 February 2018.
  - This Bill passed the Parliament on 23 August 2018 and regulations are being progressed.

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Additional Background

- On 18 April 2017, the Prime Minister and the then 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 TSS visa program is Australia's main 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.
    - Temporary skilled migration strikes a balance between the interests of business in accessing labour and public concerns about the displacement of Australian workers.
- The TSS visa was introduced on 18 March 2018. It includes three streams:
    - Short-Term stream – of up to two years or four years if International Trade Obligations apply. This stream uses the Short-term Skilled Occupation list (STSOL), is subject to one onshore visa renewal only and a genuine temporary entrant assessment.
    - Medium-Term stream – of up to four years and uses the Medium and Long-term Strategic Skills List (MLTSSL), with onshore visa renewals and an option to apply for permanent residence after three years.
    - Labour Agreement stream – where a labour agreement has been negotiated between an Australian employer and the Australian government.
- The occupation lists (STSOL and MLTSSL) are updated six-monthly to reflect the changing needs of Australia's labour market, with the latest update on 18 March 2018. The Department of Jobs and Small Business (DJSB) leads reviews of the occupation lists, working closely with the Department, relevant government agencies and industry. The next update is proposed for the second half of 2018.
- Key tightened TSS visa requirements, as compared to the 457 visa, include:
    - 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 and visa duration;
    - a discretionary, non-discriminatory workforce test; and
    - a higher English language requirement in the Medium-Term stream of International English Language Testing System (IELTS) 5, rather than 4.5 minimum in each component.

Contact Details
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Australian Government

Department of Home Affairs

Foreign Worker Exploitation

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Key issues

- The Department leads a comprehensive whole-of-government approach to combatting migrant worker exploitation where it amounts to the criminal offences of human trafficking, slavery, or slavery-like practices such as forced labour.
- Exploitation of migrant workers in Australia is a serious and increasing problem.
    - Temporary visa holders, in particular Student visa and Working Holiday Maker visa holders, are among the main groups affected.
    - The main industries affected are hospitality, agriculture and horticulture.
    - Unscrupulous employers take advantage of temporary visa holders by not paying them a fair wage; coercing them to work in breach of their visa conditions; threatening to report them for immigration breaches if they complain; and scamming excessive benefits in return for visa sponsorship.
- Our end-to-end approach to preventing, detecting and deterring migrant worker exploitation starts with policy settings that inform visa processing, client communication and sponsor or employer monitoring; through to enforcement, such as applying a range of sanctions to employers under the *Migration Act 1958* (the Migration Act) (this document is provided in your supplementary reading pack).
- The Department works closely with partner agencies such as the Fair Work Ombudsman through initiatives such as **Taskforce Cadena** and the **Migrant Workers' Taskforce** to target those involved in unscrupulous labour hire practices and the exploitation of foreign workers.

s47E(d), s47C [redacted]

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 Allan Fels AO and administered by the Department of Jobs and Small Business - 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.
    - **Taskforce Cadena** - a joint agency initiative consisting of the Department, the ABF, and the Fair Work Ombudsman 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. Further information is at Attachment A.
    - **Phoenix Taskforce** – a joint agency initiative led by the Australian Tax Office (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.
    - **Black Economy Taskforce**, chaired by Mr Michael Andrew AO and administered by the Treasury – this Taskforce has now been finalised, and the Department has considered the final recommendations (this document is provided in your supplementary reading pack) relating to combatting the black economy in Australia, which will help respond to exploitation of migrant workers.
- The Department administers three sanction frameworks under the Migration Act that provide a legislative basis to respond to exploitation of migrant workers:
    - **Employer Sanctions** – for businesses which employ / contract, allow 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 existing subclass 457 visa holders and Temporary Skill Shortage visa holders.

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- **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 who have breached the work conditions attached to their visa report exploitation to the Fair Work Ombudsman, the Department or ABF will generally not cancel their visa, providing they commit to abide by visa conditions in the future and there are no other grounds 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.
- Rather than a broad amnesty, this measured approach balances risks to the integrity of visa programs with protecting exploited migrant workers.
- s47E(d), s47C [redacted]
- Serious forms of labour exploitation are captured by the human trafficking and slavery-like offences set out in the *Criminal Code Act 1995*, 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 existing subclass 457 visa holders and Temporary Skill Shortage 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 Temporary Skill Shortage visa, which replaced the subclass 457 visa, commenced on 18 March 2018.
- The *Migration and Other Legislation Amendment (Enhanced Integrity) Bill 2017* (this document is provided in your supplementary reading pack), which is scheduled for non-controversial debate in the Senate on 23 August 2018, proposes to introduce a number of reforms that protect against worker exploitation, including:
  - sharing of tax file numbers between the Department and the ATO to assist departmental officers in identifying employers underpaying migrant workers
  - publishing the details of sanctioned sponsors on the Department's website.

Working Holiday Makers and Students

- Most Student visa holders are limited to 40 hours work a fortnight while their course of study is in session.

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- In 2016, the Senate Standing Committee on Education and Employment reported systemic wage exploitation of students employed by 7-Eleven franchises.
- Working Holiday Maker 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 Maker 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 Fair Work Ombudsman Inquiry into the wages and conditions of Working Holiday Maker visa holders completed in 2016 identified a range of concerns suggesting exploitation in the horticulture industry.
- The Department seeks to strike a balance in delivering the Working Holiday Maker program in maintaining sustainable long-term growth of the program, recognising the important contribution of Working Holiday Makers to Australia's economy, while minimising risk to Australia's visa programs, border protection policies and combatting worker exploitation.
- In response to reports of exploitation and underpayment of Working Holiday Makers, the Department has taken action including:
    - requiring payslips to be provided as proof of lawful remuneration to obtain a second Working Holiday Maker visa (since mid-2015);
    - removing the requirement for the employer to sign/endorse proof of employment forms;
    - providing Working Holiday Maker visa applicants with detailed information about Australia's employment conditions and contact details for the Fair Work Ombudsman through multiple channels, including: information on the Department's website; the visa application form; and the inclusion of a Fact Sheet with every visa grant letter; and
    - enhanced engagement with the Fair Work Ombudsman to increase education and compliance amongst Working Holiday Makers and their employers.

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

*These documents are provided in your supplementary reading pack.

Contact Details:
Name: Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

Taskforce Cadena

- **Taskforce Cadena** was established in June 2015, as a joint agency initiative between the then Department of Immigration and Border Protection and the Fair Work Ombudsman. Its initial focus was to enhance inter-agency coordination towards tackling serious and organised occurrences of illegal work, visa fraud and the exploitation of foreign workers.

- Since its inception, **Taskforce Cadena** has identified a higher level of criminality than was originally understood in 2015. In particular, **Taskforce Cadena** has identified that criminal syndicates are:
  - Involved in other serious criminal offending, including the use of the unregulated labour hire market to enable and facilitate illegal sex work, human trafficking, slavery, illicit drug and tobacco importations and money laundering; and
  - Using complex financial structures to facilitate and hide illegal activity, and avoid payment of taxes, creditors and employee entitlements.

- s47E(d), s47C [redacted]

Additional background

- **Taskforce Cadena** has undertaken a wide range of disruption and investigative activities across Australia, targeting high-risk industries such as agriculture, hospitality, entertainment, poultry, security and beauty services.

- **Taskforce Cadena** has historically identified and disrupted labour hire syndicates, and employers who are engaged in foreign worker exploitation at the direct supplier end of the labour hire continuum. s47E(d), s47C [redacted]

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Australian Government

Department of Home Affairs

Electronic Travel Authority (ETA) Vulnerabilities

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Key Issues

- The Electronic Travel Authority (ETA) was introduced in 1996 to provide a streamlined visa product for traditionally low immigration risk cohorts (based on nationality) to travel to Australia for short term tourism or business visits. The ETA is limited to 34 countries/jurisdictions (refer to **Attachment A**), many of which are our largest source countries for visitors.
- The ETA delivers a very high facilitation outcome for Australia at a minimal cost to the Government.
- Approximately 2.7 million ETAs are issued per year, accounting for just under 50 per cent of all visitor visas.
- The ETA supports Australia's universal visa system, whereby all non-citizens travelling to Australia must have a valid visa.
- The ETA is a key element in bilateral arrangements as Australia's visa free/visa waiver facilitation option. A number of countries accept the ETA as affording their nationals the equivalent of 'visa-free' entry to Australia. In this way the ETA has led to maintaining reciprocal visa-free arrangements for Australians.
- s47E(d) [redacted]
- 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, s47E(d) [redacted]
- Building upon previous enhancements to the ETA, the 2017-18 Budget included funding of $5.077 million over three years, for measures to further strengthen the integrity of the ETA through the ETA Vulnerabilities Program.
- s47E(d) [redacted]

Additional Background

Background

- The ETA platform (ETAS) is managed by an external service provider, Société Internationale de Télécommunications Aéronautiques (SITA) Group, which also provides the Department with the critical Advance Passenger Processing (APP) service and other related border systems services.
- 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 34 ETA-eligible countries/jurisdictions 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) [redacted]

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- s47E(d)
- s47E(d)

Vulnerabilities/Potential Risks

- s47E(d)
-

ETA Vulnerabilities Program

- In response to these potential risks, the ETA Vulnerabilities Program is implementing:
  s47E(d)

1 s47E(d)

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s47E(d)

s47E(d)

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Attachments

Attachment A – ETA Eligible Countries/Jurisdictions

Contact Details
Name: Malisa Golightly, Deputy Secretary, Immigration and Citizenship Services Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachments

Attachment A

ETA Eligible Countries/Jurisdictions

Nationality					
1	Andorra	13	Ireland, The Republic of	25	South Korea
2	Austria	14	Italy	26	Spain
3	Belgium	15	Japan	27	Sweden
4	Brunei	16	Liechtenstein	28	Switzerland
5	Canada	17	Luxembourg	29	Taiwan
6	Denmark	18	Malaysia	30	The Netherlands
7	Finland	19	Malta	31	United Kingdom – British Citizen
8	France	20	Monaco	32	United Kingdom – British National (Overseas)
9	Germany	21	Norway	33	USA
10	Greece	22	Portugal	34	Vatican
11	Hong Kong	23	San Marino		
12	Iceland	24	Singapore		

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Australian Government

Department of Home Affairs

UNHCR Engagement

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Key Issues

- Australia remains committed to a constructive relationship with the UNHCR to address protection challenges, particularly in our region. The UNHCR is a key partner in the delivery of Australia's humanitarian assistance and refugee resettlement, and our international efforts to respond to the global displacement crisis.
- s33(a)(iii) [redacted]
- Further to this, despite Home Affairs' continued attempts to provide factual information to UNHCR representatives, the UNHCR has made repeated incorrect and misleading public statements regarding Australia's regional processing arrangements (**Attachment A**). s33(a)(iii) [redacted]
- s33(a)(iii) [redacted]
- Despite the sensitivities in our relationship, Home Affairs continues to engage with the UNHCR as Australia progresses the US resettlement arrangement, explores future resettlement possibilities and delivers the Humanitarian Program.

Humanitarian Program

- Australia's 2018–19 Humanitarian Program will offer 18,750 places. The composition of this program is being finalised. For further detail on the Humanitarian Program, please refer to *Refugee and Humanitarian Policy* brief.
- In their submission on Australia's 2018-19 Humanitarian Program, UNHCR recommends that we resettle populations with acute vulnerabilities from a mix of nationalities in Thailand and Malaysia – particularly Rohingya (primarily in Malaysia), as well as Afghans in Iran.
    - The UNHCR's submission is critical of Australia's focus on religious minorities from the Middle East and continues to seek resettlement of Somalis, Sudanese, South Sudanese, and Iranians.
- The UNHCR have made a number of approaches to Member States seeking emergency third country resettlement of refugees from sub-Saharan Africa travelling through northern Africa on the 'Central Mediterranean Route.' These refugees (a majority of whom are children) are currently held in the Emergency Evacuation Transit Mechanism in Niger.

s33(a)(iii) [redacted]

Financial Contributions

- Home Affairs is a significant financial contributor to the UNHCR:
    - In 2017-18 Home Affairs paid AUD 5,449,220 to UNHCR for activities including the UNHCR Universal Public Health Insurance (UPHI) for vulnerable Afghan Refugees.

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- In 2016-17 the former 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.

Additional Background

Australian Government engagement with the UNHCR is jointly managed by Home Affairs and DFAT, under a Strategic Partnership Framework (SPF). The framework governs our relationship with respect to UNHCR projects funded by the Australian Government. The current SPF has been extended (through an Exchange of Letters) until 31 December 2018 while a new framework is negotiated.

Home Affairs 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 Program, 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, including seeking solutions through return or local integration.
- Ensuring that international debate balances protection interests with domestic priorities, such as encouraging lawful and orderly mobility.

Attachments

Attachment A – UNCHR public statements on regional processing

Contact Details
Name: David Wilden, First Assistant Secretary, International Policy Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A - UNHCR public statements on regional processing

- **21 November 2016**: UNHCR's Assistant High Commissioner, Volker Türk, met Minister Dutton, the Secretary and Deputy Secretary Policy in Canberra.
    - Following his visit, Mr Türk wrote to Minister Dutton saying the UNHCR would not endorse individuals with family links to Australia for resettlement in the United States.
- **9 January 2017:** UNHCR's Regional Representative, Thomas Albrecht, wrote to Minister Dutton naming 47 individuals with alleged family links in Australia.
- **April 2017**: UNHCR advised the Department that they were still waiting for a 'clear answer' on family reunification to Australia for these cases, stating that a blanket 'no' could result in them revisiting its role in the US resettlement process.
- Senior departmental officials subsequently engaged with UNHCR on multiple occasions regarding the issues raised in UNCHR's correspondence and advising that people subject to regional processing would not be resettled in Australia.
- **July 2017**: UNHCR provided the Department with a list of 10 additional individuals with alleged family links in Australia and requested these individuals be transferred to Australia.
- **12 July 2017**: Acting Deputy Secretary Policy wrote to Volker Türk, advising that none of the individuals would be resettled in Australia and requested they be referred for resettlement in the US.
- **18 July 2017**: High Commissioner Grandi wrote to Prime Minister Turnbull.
- **24 July 2017**: High Commissioner Grandi released a public statement expressing broad dissatisfaction with Australia's border protection policies and approach to US resettlement arrangements.
    - In particular, High Commissioner Grandi said the Australian Government's decision to deny family reunification for individuals subject to regional processing "is contrary to the fundamental principles of family unity, refugee protection and to common decency."
    - High Commissioner Grandi also conveyed these views in a letter to the Prime Minister, dated 18 July 2017, "*Australia's refusal to resettle the individuals with alleged family link is at variance with the understanding reached between Australia and the UNHCR*."
- High Commissioner Grandi's statement generated significant media coverage across multiple outlets (including the Herald Sun, the Sydney Morning Herald, and the Australian); converging on the claim the Australian Government 'misled' the UNHCR on the prospect of family reunification for individuals subject to regional processing.
- The ABC's 7.30 Report (**24 July 2017**) interviewed the UNHCR Assistant High Commissioner for Protection, Volker Türk, who said the UNHCR's involvement in the US resettlement arrangement was predicated on "*a clear understanding that we would be able to refer cases to the Australian Government for their consideration*."
    - During the interview, Leigh Sales said, "*You keep referring to this understanding that you had. If you take, for example, in October last year - this is just one of many similar comments the Australian Government has made - the Prime Minister said, anybody who came to Australia by boat to seek asylum would be banned for life, even if they were a genuine refugee. There was no mention of an exception for family members. It was a pretty unequivocal statement*."
    - On being questioned, Mr Türk said Minister Dutton "*didn't give us any assurances […] it was the Australian senior governmental officials of the department*".
- **15 September 2017:** Letter from the Prime Minister delivered to High Commissioner Grandi.
    - The Prime Minister wrote that, "*Australia's generous humanitarian resettlement programme and support for the UNHCR are underpinned by the Australian public's confidence in the integrity of our borders''*.
- **14 December 2017**: High Commissioner Grandi wrote to Prime Minister Turnbull outlining a number of protection concerns.
- **23 January 2018**: Prime Minister Turnbull replied to High Commissioner Grandi.
    - The letter stated, "*The [Regional Processing] Centre's closure and service management are the responsibility of the Government of Papua New Guinea*."

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Australian Government

Department of Home Affairs

Outsourcing of Service Centres

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Key issues

- As part of the 2017–18 Budget, the Government announced that the Department would consolidate and outsource its three call centres in London, Ottawa and Sydney into one global service centre onshore in Australia.
- Following a rigorous Request for Tender process, the Department engaged Datacom Connect Pty Ltd (Datacom) to deliver the Department's phone call centre operations in November 2017.
- The contract with Datacom provides an improved service for international clients and delivers a broader range of language services (150 languages) supported by the Translating and Interpreting Service (TIS), which is also part of the Department.
- In February 2018, before the phased transition to Datacom commenced, the Department answered just over 48 per cent of calls within 10 minutes, and the average wait time was 34 minutes 31 seconds. As at week ending 26 August 2018:
  - 90.6 per cent of calls were answered within ten minutes
  - the average wait time was 2 minutes 41 seconds (a reduction of 32 minutes, or 92 per cent).
- All Datacom staff who have access to departmental systems as part of their role are subject to the same vetting processes as departmental staff, including Employment Suitability Clearance and the Australian Government Security Vetting Agency checks.
- A dedicated unit comprised of departmental staff with strong service centre operational experience has been established to monitor and report on Datacom's performance, maintain the knowledge management database and scripts, and manage service performance and quality. This unit also provides support to triage escalations back to the Department where required.
- The Department has put in place strict contractual controls, including performance incentives and service credits, to ensure Datacom delivers a very high standard of service. These controls become applicable once full operations, including technological enablement, have been in place for three months.

Support for Affected Staff

- Transition of call services to Datacom commenced on 19 March 2018 with simple enquiries from the Sydney Service Centre. English language calls were transitioned from the London Service Centre on 15 May 2018, followed by all other languages on 16 May 2018. Calls from the Ottawa Service Centre transitioned on 25 May 2018. All remaining calls from the Sydney Service Centre were transitioned by 30 June 2018.
- All former call centre staff have been fully supported through the transition period, with all ongoing staff from the Sydney Service Centre securing alternative employment, the majority of which being within the Department.

  s47E(c)

  - Non-ongoing staff in Sydney were also supported to find alternative employment (including in the Department in some cases).
- A similar process was followed for locally engaged staff in Ottawa and London in keeping with local labour laws.

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- The Community and Public Sector Union was closely involved at a local level in the transition process, and has been complimentary of the Department's effort to support affected staff.
    - There has still been material circulated and some public criticism of the decision to outsource the provision of public services, but this has been muted in comparison to other Departments given the relative scale (around 250 staff) and the success in redeploying affected staff.

Additional Background

- The initial term of the contract with Datacom is 24 November 2017 to 30 May 2021. Following the initial term, the Department may extend the contract by periods of not less than three months, and up to a further four years in total.
- The value of the contract is AUD$35,885,982.57 (GST inclusive). s47C
- Datacom is contracted to improve the service standard so that 95 per cent of phone calls are answered within 90 seconds.
- Datacom is also contractually required to redirect client enquiries to digital channels, and promote the use of the Department's website and online services. As part of this, Datacom must deliver a digital transformation program that includes innovation and ideas to promote the digital pathway.
- The Department answered 1.06 million calls in FY 2017-18 in relation to visas, citizenship and cargo and customs.

Contact Details
Name: Andrew Kefford PSM, First Assistant Secretary, Visa Delivery Transformation Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Irregular Migration – Operation Sovereign Borders

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Key Issues

Establishment of Operation Sovereign Borders

- OSB was established by the Government of Australia 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 (AVM) Stephen Osborne. His tenure in this role will conclude in December 2018. The process to seek an appropriate replacement for AVM Osborne has commenced.

- 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 maritime response capabilities underpinned by deliberate international engagement and strategic communications programs.

- There are three key pillars under the policy:
  - *Deterrence and disruption* – 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.
  - *Maritime 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.
  - *Regional processing and resettlement* – the transfer of PIIs who cannot be returned to their country of departure or origin to a regional processing country where their protection claims are assessed by that country. Those found to have valid protection claims will be resettled in a third country, not Australia.

- Supported by:
  - *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.
  - *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 substantially reduced the number of illegal maritime arrivals in Australia. Compared to previous years, the current people smuggling environment can be described as latent; however, the reduced threat rests on a lack of PII intent to undertake illegal maritime ventures – which can rapidly change.

- PIIs continue to pool in regional countries, although the majority lack expectations of successful illegal migration in the current climate. PII intent will almost certainly shift, where changes, perceived changes and indications of an imminent change to the OSB framework become apparent, or a successful illegal arrival occurs. Maritime people smugglers will almost certainly increase their marketing of ventures should any of these events occur. Small numbers of PIIs - from persistent cohorts – either misinformed or disbelieving of Australia's policy and strategic messaging remain susceptible to the increasingly creative marketing of smugglers. s33(a)(i) [redacted]

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- s33(a)(i) [redacted]

Maritime 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 four years since the last people smuggling venture reached Australia. The last venture unable to be returned was in July 2014, and all passengers on-board the vessel were transferred to the regional processing centre in Nauru.

- s33(a)(i) [redacted]

- JATF OSB continue to monitor changes in the people smuggling environment in order to maintain operational readiness to respond to threats. s33(a)(i) [redacted]

On water posture

- s33(a)(i) [redacted]

- [redacted]

Strategic Communications

- The Department of Home Affairs, through JATF OSB, is responsible for the design and delivery of the Australian Government's anti-people smuggling strategic communication campaign.

- The campaign's objective is to deter potential illegal immigrants (PIIs) located in 11 countries in the Middle East, South Asia and South East Asia from considering or attempting illegal maritime migration to Australia.

- s33(a)(i) [redacted]

- Campaign messaging highlights the strength of Australian border protection policies and operational capabilities; the serious risks and consequences associated with illegal maritime migration to Australia; and the criminal nature of people smugglers.

- s33(a)(i) [redacted]

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s33(a)(i)

- People smugglers and potential illegal immigrants are known to be close observers of Australian political developments and public debate on Australia's border protection policies.

- For this reason, clear, direct and consistent public messaging from Australian political leaders on the issue of illegal maritime migration is a critical contributor to shaping the attitudes and intentions of people who might consider attempting illegal boat travel to Australia if they perceive conditions to be favourable.

- s33(a)(i)

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.

Additional Background

JATF Task Groups

- Since the implementation of OSB, there has been a change made to the structure of the OSB governance framework

- The original three task groups have been reduced to two:
    - **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.

    - The role previously undertaken by the Detention and Removals Task Group has been transferred to Home Affairs as a key component of the management of the legacy IMA cohort.

    - Following recent Machinery of Government changes, some of the capability provided by the 16 cooperative agencies now fall under the remit of the Department of Home Affairs.

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On water operation – returns

- While often generically referred to as 'turnbacks', on water returns fall into three discreet 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 July 2018, 810 people aboard 33 people smuggling ventures were returned to their countries of origin or departure. The breakdown is as follows:
  - Fourteen ventures were enforced turn backs
  - Seven ventures were assisted returns
  - Nine ventures, with a combined total of 166 people, were s33(a)(iii), s47C
  - Three ventures, with a combined total of 113 people, were s33(a)(iii), s47C
  - The last return was an ETB to Indonesia conducted on 13 June 2018 and prior to that was an air charter return to Sri Lanka on 14 December 2017.
- In September 2017, Australia and Sri Lanka signed a Consular agreement that includes enhancing counter people smuggling cooperation.
- 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: Air Vice-Marshal Stephen Osborne, Commander, Joint Agency Task Force (JATF)
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Department of Home Affairs

Resolving the Illegal Maritime Arrival Legacy Caseload

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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. Since then, almost 2000 babies have been born to IMA parents increasing the size of the caseload.
- 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). All but 71 IMAs applied for temporary protection by this time.
- s47E(d) [redacted]
- Assessing temporary protection visa applications is very complex. The Department has highly skilled protection and identity specialists dedicated to this task.
- 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, and education for school aged children. 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.

Additional Background

Fast Track Assessment process

- *Resolving the Asylum Caseload Act 2014* (the RALC Act) established a Fast Track assessment process for IMAs who entered Australia on or after 13 August 2012 and made a valid protection visa application.
    - Fast Track applicants do not have access to a full administrative review of the Department's decision by the Administrative Appeals Tribunal (AAT). Instead, they have access to automatic and limited review by the Immigration Assessment Authority (IAA).
    - Compared to the AAT, IAA provides a faster, more efficient and cost effective merits review mechanist because it is under no duty to accept or request new information or interview the applicant.

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- The RALC Act provided scope to add other classes of persons to the definition of a Fast Track applicant. IMAs whose non-statutory assessment has been remitted from the courts, have already been brought into the Fast Track process. A group of non-citizens who had their personal information inadvertently published have also been brought into the fast track process. The Department is considering bringing other cohorts of applicants into the Fast Track process to reduce overall government costs and more efficiently manage applications from people from non-refuge producing countries.

- The Department will brief you on this separately.

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

- s47E(d) [redacted]

- 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 9 August 2018, 1,456 IMAs who had their application refused by the Department were undergoing merits review. Another 4306 IMAs remain in Australia and are 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) s47E(d) [redacted].
- 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).

- s47E(d) [redacted]

Future visa options for TPV and SHEV holders

- TPVs cease three years after date of grant and SHEVs cease five years after date of grant. The first TPVs ceased in April 2018, while the first SHEVs are due to cease in October 2020.
- TPV or SHEV holders who believe they still require Australia's protection and wish to remain in Australia beyond their initial temporary protection visa must apply for a subsequent TPV or SHEV before their current visa ceases. If they do so, their current TPV or SHEV (and eligibility for any benefits such as Medicare, Centrelink payments and work and study rights) will continue to be in effect until a decision is made on their subsequent application.
    - If they do not make a valid application for a subsequent TPV or SHEV before their current visa ceases and they remain in Australia, they will become unlawful and will be barred from applying for a subsequent TPV or SHEV. They will lose access to benefits such as Medicare, Centrelink payments and work and study rights, and will be expected to make arrangements to depart Australia.

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- The Safe Haven Enterprise visa (SHEV) encourages SHEV holders to work and/or study in regional Australia, by providing them with the opportunity to access certain prescribed temporary or permanent visas if they can demonstrate, when applying for a prescribed visa, that they have worked without receiving income support and/or studied in regional Australia for a minimum of three and a half years while holding a SHEV.
- All Australian States and Territories have joined the SHEV arrangements.
- s47E(d)
- s47E(d)

Contact Details
Name: Frances Finney, Acting First Assistant Secretary, Refugee, Citizenship and Multicultural Programs Division Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Status Resolution Support Services

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Key Issues

- On 8 February 2018, the then Minister approved the revised Status Resolution Support Services (SRSS) program redesign to ensure alignment with community expectations. Following appropriate consultation with external stakeholders and service providers, changes to the program commenced on 1 May 2018.
- The purpose of the SRSS program is to provide short-term, tailored support through contracted service providers to individuals who are unable to support themselves while they engage with the Department to resolve their immigration status.
- SRSS is not a social welfare program. Tiered services are provided to address barriers that may impede an individual's ability to achieve status resolution – being the grant of a substantive visa or departure.
- The model clearly outlines that individuals who have work rights are expected to support themselves while actively engaging with the Department to resolve their immigration status.
- Assessment of recipients for continued eligibility and, where appropriate, transitioning out of SRSS commenced in July and is currently planned to continue through until late 2018.
- On 3 July 2018, 424 single adults were advised by the Department that their SRSS payments would cease on 9 August 2018, with all other support services ceasing on 16 August 2018.
- The next group of 386 single adults to transition were notified on 14 August 2018. Support payments will cease 28 days after the notification, with service provider support ceasing an additional 7 days after payments. Family groups are planned to be assessed later in 2018.
- Support for single parents and the small number of people that do not have work rights, or who are barred from applying for a Bridging Visa E, will continued to be delivered to ensure the Department's legal and international obligations are met.
- As at 31 July there are 10,282 SRSS recipients, as follows:

State / Territory	
ACT	**61**
NSW	**3,625**
NT	**14**
QLD	**724**
SA	**560**
TAS	**20**
VIC	**4,872**
WA	**406**
TOTAL	**10,282**

Additional Background

- The design of the updated program relies on the following principles:
  - SRSS is not a welfare program for non-residents
  - Services should focus on status resolution outcomes – grant of a substantive visa or departure

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- Individuals on a bridging visa with work rights are expected to work to support themselves and their families
- Individuals found to have adequate income or assets (in Australia or overseas) will not receive support services
- Eligibility will be reassessed on a regular basis, at a minimum every 12 months.

- Services
  - Baseline Services: include work rights, access to Medicare and access to education for school-aged children.
  - Additional Services: are provided to people with a genuine need or specific barrier preventing a status resolution outcome. An individual risk and vulnerability assessment informs the eligibility assessment.
  - Transitional Services: assist individuals and families to integrate into the Australian community from held detention.
  - Supported Living Services: are provided to people with a permanent impairment or condition, or for people subject to a Residence Determination (community detention) arrangement, including all unaccompanied minors.
- SRSS Service Providers
  - From 1 July 2018 SRSS services have been delivered by nine contracted service providers.
  - Current Service Providers:
    - Life without Barriers (LWB)
    - MercyCare
    - CatholicCare
    - Migrant Resource Centre of South Australia
    - Adult Multicultural Education Services(AMES) Australia
    - Multicultural Development Association (MDA)
    - Access Community Services
    - Settlement Services International (SSI)
    - Serco

- The SRSS program is funded through Program 1.3 Onshore Compliance and Detention. Expenditure over the last three financial years is:

Financial year	Expenditure
2015/16	$524.3m
2016/17	$400.2m
2017/18	$266.7m

Contact Details
Name: Malisa Golightly, Deputy Secretary, Immigration and Citizenship Services Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Community Protection: Outlaw Motorcycle Gangs and Project Ravelin

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Key Issues

- 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 Morpheus Taskforce is a multi-jurisdictional law enforcement effort established on 1 January 2015, as a national strategy to facilitate effective targeting and disruption of OMCGs in Australia and internationally, which have a direct impact on Australia. The Taskforce undertakes proactive targeting, de-confliction of jurisdictional activity, the use of Australian Criminal Intelligence Commission (ACIC) coercive powers, and the development of a national picture in relation to the membership of OMCGs and associated or connected persons or entities.

- Project Ravelin (Ravelin) supports whole of Government law enforcement through targeted visa cancellation / refusal, detention and removal of non-citizen serious and organised criminal syndicate and outlaw motorcycle gang (OMCG) members.
    - The focus of Ravelin is to remove the highest threat non-citizens from the community.
    - Ravelin is designed to 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 related criminal activities.
    - s47E(d), s47C [redacted]

- s47E(d), s47C [redacted]

- The current cohort of Ravelin targets consists of s47 F(d) high risk non-citizen OMCG and serious and organised criminal syndicate members, s47E(d), s47C [redacted].

- The success of Project Ravelin is highlighted by the recent Australian Institute of Criminology statistical report on taxpayer savings from cancelling visas of organised crime offenders. This report highlights that cancelling and refusing the visas of 184 organised crime offenders led to Australian Government savings of $116 million, or over $630,000 per offender.

- Some Ravelin cases have been subject to judicial review (including in the High Court), and have challenged issues, such as the use of protected information; the timeframe of decisions; and international *non-refoulement* obligations.
    - In September 2017, the High Court found that visa cancellation using s503A protected information received from a law enforcement and intelligence agencies was invalid to the extent that it prevented the Minister from being required to divulge the protected information to the High Court or a Federal Court. This provision is used in a minority of cases involving visa cancellations on character grounds.

- Project Ravelin is being refreshed and the scope will be broadened to include other serious and organised criminal groups as well as violent or sexual offenders.

- Ravelin and other s501 activity have necessitated the hardening of immigration detention centres. s47E(d), s47C [redacted]
    - s47E(d), s47C [redacted]

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Additional Background

- On 11 December 2014, the *Migration Amendment (Character and General Visa Cancellation) Act 2014* came into effect (this document is provided in your supplementary reading pack). These amendments strengthened the character and general visa cancellation provisions and introduced a mandatory visa cancellation power. Of particular significance, the existing 'association' ground was expanded to capture non-citizens reasonably suspected of previously or currently associating with organised criminal groups, enabling consideration of visa cancellation or refusal.

- In 2015, the Department implemented an OMCG Strategy (the Strategy) which supports Project Ravelin and is 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.

Contact Details
Name: Malisa Golightly, Deputy Secretary, Immigration and Citizenship Services Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Community Protection: Section 501 (Character) Visa Cancellations and Refusals

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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 section 501 of the Act which provides the legislative framework for refusing and cancelling visas on character grounds. Specifically, a person may be refused a visa, or have their visa cancelled, if the person does not satisfy the decision-maker that they pass 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, that their presence in the community would vilify, incite discord or be contrary to Australia's foreign policy interests or because their general conduct poses a risk to the Australian community. The full text of the character test is at **Attachment A**.
- Portfolio Ministers and departmental delegates make character decisions. The Department supports ministerial decision making and provides detailed briefing on relevant cases.
- In order to manage the large volume of character case considerations and to make the most efficient use of Ministers' time, cases have been divided into four categories, with the most sensitive categories being considered by Ministers and the least sensitive ones considered by the Department. The allocation matrix used to date is at **Attachment B** for illustrative purposes. The Department will seek, at your earliest convenience, your preferences in relation to allocation of character decisions.

Section 501

- There is currently a very low tolerance for criminality, especially domestic violence and child related offences, and community safety is a priority.
- Other high priority cohorts include; organised crime, outlaw motor cycle gangs, national security cases and Victorian youth gang associates.
- Ministerial Direction 65 currently provides binding guidance for departmental delegates and the Administrative Appeals Tribunal (AAT) and outlines the relevant primary and secondary considerations that must be taken into account when making decisions relating to section 501 (**Attachment C**).

Mandatory Visa Cancellations

- Mandatory visa cancellation provisions, introduced in December 2014, significantly strengthened visa cancellation and refusal powers and ensure a robust framework for non-citizens being considered for visa cancellation or refusal.
- Section 501(3A) requires that a person'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, had a charge proven or convicted of a sexually based crime involving a child.
- Non-citizens who have had their visa mandatorily cancelled may seek revocation of the decision under section 501CA(4) of the Act. The original mandatory visa cancellation may be revoked if you or the delegate 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 completion of their custodial sentence), or may go offshore to await a decision. Where a cancellation decision is revoked, the non-citizen's visa is reinstated.
- As a consequence of increased cancellation activity arising from the 2014 changes, timeframes to process revocation requests have increased. The Department has undertaken several initiatives to reduce the timeframes, including cancelling visas earlier in custodial sentences. To reduce the number of detainees in held detention, non-citizens are also encouraged to depart Australia, while awaiting the outcome of their revocation request.

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Discretionary Visa Refusals and Cancellations

- Under section 501(1) of the Act, a person's visa may be refused if the decision maker is not satisfied that the non-citizen passes the character test. Under section 501(2) of the Act, a person may have their visa cancelled if the decision maker reasonably suspects that the person does not pass the character test, and the person does not satisfy the decision-maker that they pass the character test. These powers may be exercised by you as Immigration Minister or a departmental delegate and must be exercised with natural justice.
- Under section 501(3) of the Act, the Minister has the personal power to refuse or cancel a visa if the Minister reasonably suspects that the person does not pass the character test, and the Minister is satisfied that the refusal or cancellation is in the national interest. This power is exercised without natural justice, however the non-citizen will be entitled to seek revocation of the refusal or cancellation decision under section 501C(4) of the Act.

Review of Section 501 Decisions

- A non-citizen whose visa has been cancelled, refused, or whose cancellation is not revoked, may seek merits review by the AAT. Ministerial decisions are not reviewable by the AAT.
- A non-citizen may seek judicial review of a section 501 decision made by the Minister or a departmental delegate.

Consequences of Visa Refusal or Cancellation under Section 501

- Following a decision to refuse or cancel the visa of a non-citizen onshore under section 501, the non-citizen must be taken into immigration detention pursuant to section 189 of the Act (pending the conclusion of any term of imprisonment) and will be liable for removal from Australia under section 198 of the Act.
- Further, a person who has had a visa cancelled under section 501 will generally be precluded from returning to Australia after departure.

Table 1: Section 501 (discretionary and mandatory) visa cancellations and refusals by financial year

Financial Year	Section 501(1) refusals	Section 501(2) cancellations	Section 501(3) cancellations and refusals	Section 501(3A) - mandatory cancellations	TOTAL
2014/2015	135	73	6	491	705
2015/2016	423	35	15	927	1400
2016/2017	629	28	9	1234	1900
2017/2018	535	49	12	838	1434
TOTAL	1722	185	42	3490	5439

- **The figures in the above table are based on live systems data and therefore may differ with previous and future reporting.**

General Visa Cancellation

- As well as the character test, section 116 of the Act sets out certain situation-specific grounds for cancelling visas, such as where the presence of a temporary visa holder is or may be a risk to the health or safety of individuals or the community. This power can only be exercised in respect of temporary visas, unless the visa holder is offshore at the time of cancellation.
- The most appropriate power to use in a particular situation is determined on the evidence before the decision maker, including the immediacy of any risk posed, the non-citizens location (onshore or offshore) and type of visa held (temporary or permanent).

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Joint Standing Committee on Migration

Inquiry into Review Processes Associated with Visa Cancellations made on Criminal Grounds

- On 6 March 2018, the former Minister for Home Affairs and Minister for Immigration and Border Protection, asked the Joint Standing Committee on Migration (JSCoM) to inquire into and report on the review processes associated with visa cancellations made on criminal grounds. The JSCoM commenced its inquiry on 14 March 2018.
- The terms of reference for the inquiry are:
  - the efficiency of existing review processes as they relate to decisions made under section 501 of the Migration Act;
  - present levels of duplication associated with the merits review process; and
  - the scope of the AAT's jurisdiction to review ministerial decisions.
- The Department provided a submission to the JSCoM in May 2018 (this document is provided in your supplementary reading pack). In July 2018, a supplementary submission was provided in response to the JSCoM's request for further information.
- The JSCoM is currently conducting public hearings. The Department attended a public hearing on 27 June 2018.

Report on Migrant Settlement Outcomes

- The Australian Government's response to the Joint Standing Committee on Migration report on Migrant Settlement Outcomes was tabled in Parliament on 28 June 2018 and is available on the Parliament of Australia website (this document is provided in your supplementary reading pack). https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Government_Response
- The report on Migrant Settlement Outcomes included a recommendation to amend the character provisions in the Act to require the mandatory cancellation of visas for offenders, aged between 16 and 18 years, who have been convicted of a serious violent offence. The mandatory cancellation provision under section 501(3A) of the Act currently applies to all non-citizens irrespective of age.

Attachments

Attachment A – The character test
Attachment B – Case allocation matrix
Attachment C – Ministerial Direction 65

Contact Details
Name: Malisa Golightly, Deputy Secretary, Immigration and Citizenship Services Group
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

SECTION 501 REFUSAL OR CANCELLATION OF VISA ON CHARACTER GROUNDS

Character Test

(6) For the purposes of this section, a person does not pass the character test if:

(a) the person has a substantial criminal record (as defined by subsection (7)); or

(aa) the person has been convicted of an offence that was committed:

(i) while the person was in immigration detention; or

(ii) during an escape by the person from immigration detention; or

(iii) after the person escaped from immigration detention but before the person was taken into immigration detention again; or

(ab) the person has been convicted of an offence against section 197A; or

(b) the Minister reasonably suspects:

(i) that the person has been or is a member of a group or organisation, or has had or has an association with a group, organisation or person; and

(ii) that the group, organisation or person has been or is involved in criminal conduct; or

(ba) the Minister reasonably suspects that the person has been or is involved in conduct constituting one or more of the following:

(i) an offence under one or more of sections 233A to 234A (people smuggling);

(ii) an offence of trafficking in persons;

(iii) the crime of genocide, a crime against humanity, a war crime, a crime involving torture or slavery or a crime that is otherwise of serious international concern;

whether or not the person, or another person, has been convicted of an offence constituted by the conduct; or

(c) having regard to either or both of the following:

(i) the person's past and present criminal conduct;

(ii) the person's past and present general conduct;

the person is not of good character; or

(d) in the event the person were allowed to enter or to remain in Australia, there is a risk that the person would:

(i) engage in criminal conduct in Australia; or

(ii) harass, molest, intimidate or stalk another person in Australia; or

(iii) vilify a segment of the Australian community; or

(iv) incite discord in the Australian community or in a segment of that community; or

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(v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way; or

(e) a court in Australia or a foreign country has:

(i) convicted the person of one or more sexually based offences involving a child; or

(ii) found the person guilty of such an offence, or found a charge against the person proved for such an offence, even if the person was discharged without a conviction; or

(f) the person has, in Australia or a foreign country, been charged with or indicted for one or more of the following:

(i) the crime of genocide;

(ii) a crime against humanity;

(iii) a war crime;

(iv) a crime involving torture or slavery;

(v) a crime that is otherwise of serious international concern; or

(g) the person has been assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security (within the meaning of section 4 of the Australian Security Intelligence Organisation Act 1979); or

(h) an Interpol notice in relation to the person, from which it is reasonable to infer that the person would present a risk to the Australian community or a segment of that community, is in force.

Otherwise, the person passes the character test .

Substantial criminal record

(7) For the purposes of the character test, a person has a substantial criminal record if:

(a) the person has been sentenced to death; or

(b) the person has been sentenced to imprisonment for life; or

(c) the person has been sentenced to a term of imprisonment of 12 months or more; or

(d) the person has been sentenced to 2 or more terms of imprisonment, where the total of those terms is 12 months or more; or

(e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution; or

(f) the person has:

(i) been found by a court to not be fit to plead, in relation to an offence; and

(ii) the court has nonetheless found that on the evidence available the person committed the offence; and

(iii) as a result, the person has been detained in a facility or institution.

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DIRECTION NO. 65

MIGRATION ACT 1958

DIRECTION UNDER SECTION 499

Visa refusal and cancellation under s501
and
revocation of a mandatory cancellation of a visa under s501CA

I, SCOTT MORRISON, Minister for Immigration and Border Protection, give this Direction under section 499 of the *Migration Act 1958*.

Dated 22 · 12 2014

Minister for Immigration and Border Protection

Section 1 Preliminary

1. Name of Direction

This Direction is Direction no. 65 – Visa refusal and cancellation under s501 and revocation of a mandatory cancellation of a visa under s501CA.

It may be cited as Direction no. 65.

2. Commencement

This Direction commences on the day after it is signed.

3. Revocation

Direction no. 55, given under section 499 of the *Migration Act 1958* (the Act) and dated 25 July 2012, is revoked with effect from the date this Direction commences.

4. Interpretation

Where terms used in this Direction have a particular meaning, they are defined in Annex B.

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5. Contents

This Direction comprises:

Preamble	Contains the Objectives of this Direction, General Guidance for decision-makers and the Principles that provide a framework within which decision-makers should approach their task of deciding whether to exercise the discretion to cancel or refuse a non-citizen's visa under section 501 or to revoke a mandatory cancellation under section 501CA.
Part A	Identifies the considerations relevant to visa holders in determining whether to exercise the discretion to cancel a non-citizen's visa.
Part B	Identifies the considerations relevant to visa applicants in determining whether to exercise the discretion to refuse a non-citizen's visa application.
Part C	Identifies the considerations relevant to former visa holders in determining whether to exercise the discretion to revoke the mandatory cancellation of a non-citizen's visa.
Annex A	Provides direction on the application of the character test. The character test is set out in section 501(6) of the Act.
Annex B	Defines terms used in the Direction.

6. Preamble

6.1 Objectives

(1) The objective of the Act is to regulate, in the national interest, the coming into, and presence in, Australia of non-citizens.

(2) Under subsection 501(1) of the Act, a non-citizen may be refused a visa if the non-citizen does not satisfy the decision-maker that they pass the character test. A non-citizen may have their visa cancelled under subsection 501(2) if the decision-maker reasonably suspects that the non-citizen does not pass the character test, and the non-citizen does not satisfy the decision-maker that they pass the character test. Where the discretion to refuse to grant or to cancel a visa is enlivened, the decision-maker must consider whether to exercise the discretion to refuse or cancel the visa given the specific circumstances of the case.

(3) Under subsection 501(3A) of the Act, the decision-maker must cancel a visa that has been granted to a person if the decision-maker is satisfied that the person does not pass the character test because of the operation of paragraph (6)(a) (on the basis of paragraph (7)(a), (b) or (c) or paragraph (6)(e)) and the non-citizen is serving a sentence of imprisonment on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a State or a Territory. A

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non-citizen who has had his or her visa cancelled under section 501(3A) may request revocation of that decision under section 501CA of the Act. Where the discretion to consider revocation is enlivened, the decision-maker must consider whether to revoke the cancellation given the specific circumstances of the case.

(4) The purpose of this Direction is to guide decision-makers performing functions or exercising powers under section 501 of the Act, to refuse to grant a visa or to cancel a visa of a non-citizen who does not satisfy the decision-maker that the non-citizen passes the character test, or to revoke a mandatory cancellation under section 501CA of the Act. Under section 499(2A) of the Act, such decision-makers must comply with a direction made under section 499.

6.2 General Guidance

(1) The Government is committed to protecting the Australian community from harm as a result of criminal activity or other serious conduct by non-citizens. The principles below are of critical importance in furthering that objective, and reflect community values and standards with respect to determining whether the risk of future harm from a non-citizen is unacceptable.

(2) In order to effectively protect the Australian community from harm, and to maintain integrity and public confidence in the character assessment process, decisions about whether a non-citizen's visa should be refused or cancelled under section 501 should be made in a timely manner once a decision-maker is satisfied that a non-citizen does not pass the character test. Timely decisions are also beneficial to the client in providing certainty about their future.

(3) The principles provide a framework within which decision-makers should approach their task of deciding whether to refuse or cancel a non-citizen's visa under section 501, or whether to revoke a mandatory cancellation under section 501CA. The relevant factors that must be considered in making a decision under section 501 of the Act are identified in Part A and Part B, while factors that must be considered in making a revocation decision are identified in Part C of this Direction.

6.3 Principles

(1) Australia has a sovereign right to determine whether non-citizens who are of character concern are allowed to enter and/or remain in Australia. Being able to come to or remain in Australia is a privilege Australia confers on non-citizens in the expectation that they are, and have been, law-abiding, will respect important institutions, such as Australia's law enforcement framework, and will not cause or threaten harm to individuals or the Australian community.

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(2) The Australian community expects that the Australian Government can and should refuse entry to non-citizens, or cancel their visas, if they commit serious crimes in Australia or elsewhere.

(3) A non-citizen who has committed a serious crime, including of a violent or sexual nature, and particularly against vulnerable members of the community such as minors, the elderly or disabled, should generally expect to be denied the privilege of coming to, or to forfeit the privilege of staying in, Australia.

(4) In some circumstances, criminal offending or other conduct, and the harm that would be caused if it were to be repeated, may be so serious, that any risk of similar conduct in the future is unacceptable. In these circumstances, even other strong countervailing considerations may be insufficient to justify not cancelling or refusing the visa.

(5) Australia has a low tolerance of any criminal or other serious conduct by people who have been participating in, and contributing to, the Australian community only for a short period of time. However, Australia may afford a higher level of tolerance of criminal or other serious conduct in relation to a non-citizen who has lived in the Australian community for most of their life, or from a very young age.

(6) Australia has a low tolerance of any criminal or other serious conduct by visa applicants or those holding a limited stay visa, reflecting that there should be no expectation that such people should be allowed to come to, or remain permanently in, Australia.

(7) The length of time a non-citizen has been making a positive contribution to the Australian community, and the consequences of a visa refusal or cancellation for minor children and other immediate family members in Australia, are considerations in the context of determining whether that non-citizen's visa should be cancelled, or their visa application refused.

Section 2 Exercising the discretion

7. How to exercise the discretion

(1) Informed by the principles in paragraph 6.3 above, a decision-maker:

a) must take into account the considerations in Part A or Part B, where relevant, in order to determine whether a non-citizen will forfeit the privilege of being granted, or of continuing to hold, a visa; or

b) must take into account the considerations in Part C, in order to determine whether the mandatory cancellation of a non-citizen's visa will be revoked.

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8. Taking the relevant considerations into account

(1) Decision-makers must take into account the primary and other considerations relevant to the individual case. There are differing considerations depending on whether a delegate is considering whether to refuse to grant a visa to a visa applicant, cancel the visa of a visa holder, or revoke the mandatory cancellation of a visa. These different considerations are articulated in Parts A, B and C. Separating the considerations for visa holders and visa applicants recognises that non-citizens holding a substantive visa will generally have an expectation that they will be permitted to remain in Australia for the duration of that visa, whereas a visa applicant should have no expectation that a visa application will be approved.

(2) In applying the considerations (both primary and other), information and evidence from independent and authoritative sources should be given appropriate weight.

(3) Both primary and other considerations may weigh in favour of, or against, refusal, cancellation of the visa, or whether or not to revoke a mandatory cancellation of a visa.

(4) Primary considerations should generally be given greater weight than the other considerations.

(5) One or more primary considerations may outweigh other primary considerations.

PART A

9. Primary considerations – visa holders

(1) In deciding whether to cancel a non-citizen's visa, the following are primary considerations:

a) Protection of the Australian community from criminal or other serious conduct;
b) The best interests of minor children in Australia;
c) Expectations of the Australian Community.

9.1 Protection of the Australian community

(1) When considering protection of the Australian community, decision-makers should have regard to the principle that the Government is committed to protecting the Australian community from harm as a result of criminal activity or other serious conduct by non-citizens. Remaining in Australia is a privilege that Australia confers on non-citizens in the expectation that they are, and have been, law abiding, will respect important institutions, and will not cause or threaten harm to individuals or the Australian community.

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(2) Decision-makers should also give consideration to:

a) The nature and seriousness of the non-citizen's conduct to date; and
b) The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct.

9.1.1 The nature and seriousness of the conduct

(1) In considering the nature and seriousness of the non-citizen's criminal offending or other conduct to date, decision-makers must have regard to factors including:

a) The principle that, without limiting the range of offences that may be considered serious, violent and/or sexual crimes are viewed very seriously;
b) The principle that crimes committed against vulnerable members of the community (such as minors, the elderly and the disabled), or government representatives or officials due to the position they hold, or in the performance of their duties, are serious;
c) Where the non-citizen is in Australia, that a crime committed while the non-citizen was in immigration detention; during an escape from immigration detention; or after the non-citizen escaped from immigration detention, but before the non-citizen was taken into immigration detention again is serious, as is an offence against section 197A of the Act;
d) The principle that any conduct that forms the basis for a finding that a non-citizen does not pass a subjective limb of the character test is or is not of good character under section 501(6)(c), is considered to be serious;
e) The sentence imposed by the courts for a crime or crimes;
f) The frequency of the non-citizen's offending and whether there is any trend of increasing seriousness;
g) The cumulative effect of repeated offending;
h) Whether the non-citizen has provided false or misleading information to the department, including by not disclosing prior criminal offending;
i) Whether the non-citizen has re-offended since being formally warned, or since otherwise being made aware, in writing, about the consequences of further offending in terms of the non-citizen's migration status (noting that the absence of a warning should not be considered to be in the non-citizen's favour);
j) Where the offence or conduct was committed in another country, whether that offence or conduct is classified as an offence in Australia.

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9.1.2 The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct

(1) In considering whether the non-citizen represents an unacceptable risk of harm to individuals, groups or institutions in the Australian community, decision-makers should have regard to the principle that the Australian community's tolerance for any risk of future harm becomes lower as the seriousness of the potential harm increases. Some conduct and the harm that would be caused if it were to be repeated, is so serious that any risk that it may be repeated may be unacceptable.

(2) In considering the risk to the Australian community, decision-makers must have regard to, cumulatively:

a) The nature of the harm to individuals or the Australian community should the non-citizen engage in further criminal or other serious conduct; and

b) The likelihood of the non-citizen engaging in further criminal or other serious conduct, taking into account:

i. information and evidence on the risk of the non-citizen re-offending; and

ii. evidence of rehabilitation achieved by the time of the decision, giving weight to time spent in the community since their most recent offence (noting that decisions should not be delayed in order for rehabilitative courses to be undertaken).

9.2 Best interests of minor children in Australia affected by the decision

(1) Decision-makers must make a determination about whether cancellation is, or is not, in the best interests of the child.

(2) This consideration applies only if the child is, or would be, under 18 years old at the time when the decision to cancel the visa is expected to be made.

(3) If there are two or more relevant children, the best interests of each child should be given individual consideration to the extent that their interests may differ.

(4) In considering the best interests of the child, the following factors must be considered where relevant:

a) The nature and duration of the relationship between the child and the non-citizen. Less weight should generally be given where the relationship is non-parental, and/or there is no existing relationship and/or there have been long periods of absence, or limited meaningful contact (including whether an existing Court order restricts contact);

b) The extent to which the non-citizen is likely to play a positive parental role in the future, taking into account the length of

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time until the child turns 18, and including any Court orders relating to parental access and care arrangements;

c) The impact of the non-citizen's prior conduct, and any likely future conduct, and whether that conduct has, or will have a negative impact on the child;

d) The likely effect that any separation from the non-citizen would have on the child, taking into account the child's or non-citizen's ability to maintain contact in other ways;

e) Whether there are other persons who already fulfil a parental role in relation to the child;

f) Any known views of the child (with those views being given due weight in accordance with the age and maturity of the child);

g) Evidence that the non-citizen has abused or neglected the child in any way, including physical, sexual and/or mental abuse or neglect; and

h) Evidence that the child has suffered or experienced any physical or emotional trauma arising from the non-citizen's conduct.

9.3 Expectations of the Australian Community

(1) The Australian community expects non-citizens to obey Australian laws while in Australia. Where a non-citizen has breached, or where there is an unacceptable risk that they will breach this trust or where the non-citizen has been convicted of offences in Australia or elsewhere, it may be appropriate to cancel the visa held by such a person. Visa cancellation may be appropriate simply because the nature of the character concerns or offences are such that the Australian community would expect that the person should not continue to hold a visa. Decision-makers should have due regard to the Government's views in this respect.

10 Other considerations – visa holders

(1) In deciding whether to cancel a visa, other considerations must be taken into account where relevant. These considerations include (but are not limited to):

a) International non-refoulement obligations;
b) Strength, nature and duration of ties;
c) Impact on Australian business interests;
d) Impact on victims;
e) Extent of impediments if removed.

10.1 International non-refoulement obligations

(1) A non-refoulement obligation is an obligation not to forcibly return, deport or expel a person to a place where they will be at risk of a specific type of harm. Australia has non-refoulement obligations under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol (together called the

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Refugees Convention); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the CAT); and the International Covenant on Civil and Political Rights and its Second Optional Protocol (the ICCPR). The Act reflects Australia's interpretation of those obligations and, where relevant, decision-makers should follow the tests enunciated in the Act.

(2) The existence of a non-refoulement obligation does not preclude cancellation of a non-citizen's visa. This is because Australia will not remove a non-citizen, as a consequence of the cancellation of their visa, to the country in respect of which the non-refoulement obligation exists.

(3) Claims which may give rise to international non-refoulement obligations can be raised by the non-citizen in response to a notice of intention to consider cancellation of their visa under s501 of the Act, or can be clear from the facts of the case (such as where the non-citizen holds a protection visa).

(4) Where a non-citizen makes claims which may give rise to international non-refoulement obligations and that non-citizen is able to make a valid application for another visa, it is unnecessary to determine whether non-refoulement obligations are owed to the non-citizen for the purposes of determining whether their visa should be cancelled.

(5) If, however, the visa being considered for cancellation is a Protection visa, the person will be prevented from making an application for another visa, other than a Bridging R (Class WR) visa (section 501E of the Act and regulation 2.12A of the Regulations refers). The person will also be prevented by section 48A of the Act from making a further application for a Protection visa while they are in the migration zone (unless the Minister determines that section 48A does not apply to them – sections 48A and 48B of the Act refer).

(6) In these circumstances, decision-makers should seek an assessment of Australia's international treaty obligations. Any non-refoulement obligation should be weighed carefully against the seriousness of the non-citizen's criminal offending or other serious conduct in deciding whether or not the non-citizen should continue to hold a visa. Given that Australia will not return a person to their country of origin if to do so would be inconsistent with its international non-refoulement obligations, the operation of sections 189 and 196 of the Act means that, if the person's Protection visa were cancelled, they would face the prospect of indefinite immigration detention.

10.2 The strength, nature and duration of ties to Australia

(1) Reflecting the principles at 6.3, decision-makers must have regard to:

a) How long the non-citizen has resided in Australia, including whether the non-citizen arrived as a young child, noting that:
   i. less weight should be given where the non-citizen began offending soon after arriving in Australia; and
   ii. more weight should be given to time the

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non-citizen has spent contributing positively to the Australian community.

b) The strength, duration and nature of any family or social links with Australian citizens, Australian permanent residents and/or people who have an indefinite right to remain in Australia, including the effect of cancellation on the non-citizen's immediate family in Australia (where those family members are Australian citizens, permanent residents, or people who have a right to remain in Australia indefinitely).

10.3 Impact on Australian business interests

(1) Impact on Australian business interests if the non-citizen's visa is cancelled, noting that an employment link would generally only be given weight where visa cancellation would significantly compromise the delivery of a major project, or delivery of an important service in Australia.

10.4 Impact on victims

(1) Impact of a decision not to cancel a visa on members of the Australian community, including victims of the non-citizen's criminal behaviour, and the family members of the victim or victims where that information is available and the non-citizen being considered for visa cancellation has been afforded procedural fairness.

10.5 Extent of Impediments if removed

(1) The extent of any impediments that the non-citizen may face if removed from Australia to their home country, in establishing themselves and maintaining basic living standards (in the context of what is generally available to other citizens of that country), taking into account:

a) The non-citizen's age and health;
b) Whether there are substantial language or cultural barriers; and
c) Any social, medical and/or economic support available to them in that country.

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Part B

11 Primary considerations – visa applicants

(1) In deciding whether to refuse a non-citizen's visa, the following are primary considerations:

a) Protection of the Australian community from criminal or other serious conduct;
b) The best interests of minor children in Australia;
c) Expectations of the Australian Community.

11.1 Protection of the Australian community

(1) When considering protection of the Australian community, decision-makers should have regard to the principle that the Government is committed to protecting the Australian community from harm as a result of criminal activity or other serious conduct by non-citizens. There is a low tolerance for visa applicants who have previously engaged in criminal or other serious conduct. Decision-makers should also give consideration to:

a) The nature and seriousness of the non-citizen's conduct to date; and
b) The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct.

11.1.1 The nature and seriousness of the conduct

(1) In considering the nature and seriousness of the non-citizen's criminal offending or other serious conduct to date, decision-makers must have regard to:

a) The principle that, without limiting the range of offences that may be considered serious, violent and/or sexual crimes are viewed seriously;
b) The principle that crimes committed against vulnerable members of the community (such as minors, the elderly and the disabled), or government representatives or officials due to the position they hold, or in the performance of their duties, are serious;
c) Where the non-citizen is in Australia, that a crime committed while the non-citizen was in immigration detention; during an escape from immigration detention; after the non-citizen escaped from immigration detention, but before the non-citizen was taken into immigration detention again is serious, as is an offence against section 197A of the Act;
d) The principle that any conduct that forms the basis for a finding that a non-citizen does not pass a subjective limb of the character test is or is not of good character under section 501(6)(c), is considered to be serious;

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e) The sentence imposed by the courts for a crime or crimes;
f) The frequency of the non-citizen's offending and whether there is any trend of increasing seriousness;
g) The cumulative effect of repeated offending;
h) Whether the non-citizen has provided false or misleading information to the department, including by not disclosing prior criminal offending;
i) Where the offence or conduct was committed in another country, whether that offence or conduct is classified as an offence in Australia.

11.1.2 The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct

(1) In considering whether the non-citizen represents an unacceptable risk of harm to individuals, groups or institutions in the Australian community, decision-makers should have regard to the principle that the Australian community's tolerance for any risk of future harm becomes lower as the seriousness of the potential harm increases. Some conduct, and the harm that would be caused if it were to be repeated, is so serious that any likelihood that it may be repeated may be unacceptable.

(2) In addition, decision-makers should have regard to the principle that Australia has a low tolerance of any criminal or other serious conduct by visa applicants or those holding a limited stay visa, reflecting that there should be no expectation that such people should be allowed to come to, or remain permanently in, Australia.

(3) In considering the risk to the Australian community, decision-makers must have regard to, cumulatively:

a) The nature of the harm to individuals or the Australian community should the non-citizen engage in further criminal or other serious conduct; and
b) The likelihood of the non-citizen engaging in further criminal or other serious conduct, taking into account:
   i. information and evidence from independent and authoritative sources on the likelihood of the non-citizen re-offending; and
   ii. evidence of any rehabilitation achieved by the time of the decision, giving weight to time spent in the community since their most recent offence (noting that decisions should not be delayed in order for rehabilitative courses to be undertaken); and
   iii. the duration of the intended stay in Australia.

(4) Decision-makers should consider the risk of harm in the context of the purpose of the intended stay, and the type of visa being applied for, including whether there are strong or compassionate reasons for granting a short-stay visa.

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11.2 Best interests of minor children in Australia affected by the decision

(1) Decision-makers must make a determination about whether refusal is, or is not, in the best interests of the child.

(2) This consideration applies only if the child is, or would be, under 18 years old at the time when the decision to refuse to grant the visa is expected to be made.

(3) If there are two or more relevant children, the best interests of each child should be given individual consideration to the extent that their interests may differ.

(4) In considering the best interests of the child, the following factors must be considered where relevant:

a) The nature and duration of the relationship between the child and the non-citizen. Less weight should generally be given where the relationship is non-parental, and/or there is no existing relationship and/or there have been long periods of absence, or limited meaningful contact (including whether an existing Court order restricts contact);

b) The extent to which the non-citizen is likely to play a positive parental role in the future (taking into account the length of time until the child turns 18), and including any Court orders relating to parental access and care arrangements;

c) The impact of the non-citizen's prior conduct, and any likely future conduct, and whether that conduct has, or will have, a negative impact on the child;

d) The likely effect that any separation from the non-citizen would have on the child, taking into account the child's or non-citizen's ability to maintain contact in other ways;

e) Whether there are other persons who already fulfil a parental role in relation to the child;

f) Any known views of the child (with those views being given due weight in accordance with the age and maturity of the child);

g) Evidence that the non-citizen has abused or neglected the child in any way, including physical, sexual and/or mental abuse or neglect; and

h) Evidence that the child has suffered or experienced any physical or emotional trauma arising from the non-citizen's conduct.

11.3 Expectations of the Australian Community

(1) The Australian community expects non-citizens to obey Australian laws while in Australia. Where a non-citizen has breached, or where there is an unacceptable risk that they will breach this trust or where the non-citizen has been convicted of offences in Australia or elsewhere, it may be appropriate to refuse the visa application of such

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a person. Visa refusal may be appropriate simply because the nature of the character concerns or offences are such that the Australian community would expect that the person should not be granted a visa. Decision-makers should have due regard to the Government's views in this respect.

12 Other considerations – visa applicants

(1) In deciding whether to cancel a visa, other considerations must be taken into account where relevant. These considerations include (but are not limited to):

a) International non-refoulement obligations;
b) Impact on family members;
c) Impact on victims;
d) Impact on Australian business interests.

12.1 International non-refoulement obligations

(1) A non-refoulement obligation is an obligation not to forcibly return, deport or expel a person to a place where they will be at risk of a specific type of harm. Australia has non-refoulement obligations to non-citizens in Australia under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol (together called the Refugees Convention); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the CAT); and the International Covenant on Civil and Political Rights and its Second Optional Protocol (the ICCPR). The Act reflects Australia's interpretation of those obligations and, where relevant, decision-makers should follow the tests enunciated in the Act.

(2) The existence of a non-refoulement obligation does not preclude refusal of a non-citizen's visa application in Australia. This is because Australia will not remove a non-citizen, as a consequence of the refusal of their visa application, to the country in respect of which the non-refoulement obligation exists.

(3) Claims which may give rise to international non-refoulement obligations can be raised by the non-citizen in response to a notice of intention to consider refusal of their visa under s501 of the Act, or can be clear from the facts of the case (such as where the non-citizen is an applicant for a protection visa).

(4) Where a non-citizen makes claims which may give rise to international non-refoulement obligations and that non-citizen is able to make a valid application for another visa, it is unnecessary to determine whether non-refoulement obligations are owed to the non-citizen for the purposes of determining whether their visa application should be refused.

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(5) If, however, the visa application being considered for refusal is a Protection visa application, the person will be prevented from making an application for another visa, other than a Bridging R (Class WR) visa (section 501E of the Act and regulation 2.12A of the Regulations refers). The person will also be prevented by section 48A of the Act from making a further application for a Protection visa while they are in the migration zone (unless the Minister determines that section 48A does not apply to them – sections 48A and 48B of the Act refer).

(6) In these circumstances, decision-makers should seek an assessment of Australia's international treaty obligations. Any non-refoulement obligation should be weighed carefully against the seriousness of the non-citizen's criminal offending or other serious conduct in deciding whether or not the non-citizen should be granted a visa. Given that Australia will not return a person to their country of origin if to do so would be inconsistent with its international non-refoulement obligations, the operation of sections 189 and 196 of the Act means that, if the person's Protection visa application were refused, they would face the prospect of indefinite immigration detention.

12.2 Impact on family members

(1) Impact of visa refusal on immediate family members in Australia, where those family members are Australian citizens, Australian permanent residents, or people who have a right to remain in Australia indefinitely;

12.3 Impact on victims

(1) Impact of a decision to grant a visa on members of the Australian community, including victims of the non-citizen's criminal behaviour, and the family members of the victim or victims, where that information is available and can be disclosed to the non-citizen being considered for visa refusal;

12.4 Impact on Australian business interests

(1) Impact on Australian business interests if the non-citizen's visa application is refused, noting that an employment link would generally only be given weight where visa refusal would significantly compromise the delivery of a major project or delivery of an important service in Australia.

PART C

13. Primary considerations – revocation requests

(1) Under subsection 501(3A) of the Act, the Minister must cancel a visa that has been granted to a person if the Minister is satisfied that the person does not pass the character test because of the operation of

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paragraph (6)(a) (on the basis of paragraph (7)(a), (b) or (c)) or paragraph (6)(e)) and the non-citizen is serving a sentence of imprisonment on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a State or a Territory. A non-citizen who has had his or her visa cancelled under section 501(3A) may request revocation of that decision under section 501CA of the Act. Where the discretion to consider revocation is enlivened, the decision-maker must consider whether to revoke the cancellation given the specific circumstances of the case.

(2) In deciding whether to revoke the mandatory cancellation of a non-citizen's visa, the following are primary considerations:

a) Protection of the Australian community from criminal or other serious conduct;
b) The best interests of minor children in Australia;
c) Expectations of the Australian community.

13.1 Protection of the Australian community

(1) When considering protection of the Australian community, decision-makers should have regard to the principle that the Government is committed to protecting the Australian community from harm as a result of criminal activity or other serious conduct by non-citizens. Remaining in Australia is a privilege that Australia confers on non-citizens in the expectation that they are, and have been, law abiding, will respect important institutions, and will not cause or threaten harm to individuals or the Australian community. Mandatory cancellation without notice of certain non-citizen prisoners is consistent with this principle by ensuring that serious offenders remain in either criminal or immigration detention while their immigration status is resolved.

(2) Decision-makers should also give consideration to:

a) The nature and seriousness of the non-citizen's conduct to date; and
b) The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct.

13.1.1 The nature and seriousness of the conduct

(1) In considering the nature and seriousness of the non-citizen's criminal offending or other conduct to date, decision-makers must have regard to factors including:

a) The principle that, without limiting the range of offences that may be considered serious, violent and/or sexual crimes are viewed very seriously;
b) The principle that crimes committed against vulnerable members of the community (such as minors, the elderly and the disabled), or government representatives or officials due to the

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position they hold, or in the performance of their duties, are serious;

c) The sentence imposed by the courts for a crime or crimes;

d) The frequency of the non-citizen's offending and whether there is any trend of increasing seriousness;

e) The cumulative effect of repeated offending;

f) Whether the non-citizen has provided false or misleading information to the department, including by not disclosing prior criminal offending;

g) Whether the non-citizen has re-offended since being formally warned, or since otherwise being made aware, in writing, about the consequences of further offending in terms of the non-citizen's migration status (noting that the absence of a warning should not be considered to be in the non-citizen's favour);

h) Where the non-citizen is in Australia, that a crime committed while the non-citizen was in immigration detention; during an escape from immigration detention; or after the non-citizen escaped from immigration detention, but before the non-citizen was taken into immigration detention again is serious, as is an offence against section 197A of the Act;

13.1.2 The risk to the Australian community should the non-citizen commit further offences or engage in other serious conduct

(1) In considering whether the non-citizen represents an unacceptable risk of harm to individuals, groups or institutions in the Australian community, decision-makers should have regard to the principle that the Australian community's tolerance for any risk of future harm becomes lower as the seriousness of the potential harm increases. Some conduct and the harm that would be caused if it were to be repeated, is so serious that any risk that it may be repeated may be unacceptable.

(2) In considering the risk to the Australian community, decision-makers must have regard to, cumulatively:

a) The nature of the harm to individuals or the Australian community should the non-citizen engage in further criminal or other serious conduct; and

b) The likelihood of the non-citizen engaging in further criminal or other serious conduct, taking into account available information and evidence on the risk of the non-citizen re-offending (noting that decisions should not be delayed in order for rehabilitative courses to be undertaken).

13.2 Best interests of minor children in Australia affected by the decision

(1) Decision-makers must make a determination about whether revocation is, or is not, in the best interests of the child.

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(2) This consideration applies only if the child is, or would be, under 18 years old at the time when the decision to revoke or not revoke the mandatory cancellation decision is expected to be made.

(3) If there are two or more relevant children, the best interests of each child should be given individual consideration to the extent that their interests may differ.

(4) In considering the best interests of the child, the following factors must be considered where relevant:

a) The nature and duration of the relationship between the child and the non-citizen. Less weight should generally be given where the relationship is non-parental, and/or there is no existing relationship and/or there have been long periods of absence, or limited meaningful contact (including whether an existing Court order restricts contact);
b) The extent to which the non-citizen is likely to play a positive parental role in the future, taking into account the length of time until the child turns 18, and including any Court orders relating to parental access and care arrangements;
c) The impact of the non-citizen's prior conduct, and any likely future conduct, and whether that conduct has, or will have a negative impact on the child;
d) The likely effect that any separation from the non-citizen would have on the child, taking into account the child's or non-citizen's ability to maintain contact in other ways;
e) Whether there are other persons who already fulfil a parental role in relation to the child;
f) Any known views of the child (with those views being given due weight in accordance with the age and maturity of the child);
g) Evidence that the non-citizen has abused or neglected the child in any way, including physical, sexual and/or mental abuse or neglect; and
h) Evidence that the child has suffered or experienced any physical or emotional trauma arising from the non-citizen's conduct.

13.3 Expectations of the Australian community

(1) The Australian community expects non-citizens to obey Australian laws while in Australia. Where a non-citizen has breached, or where there is an unacceptable risk that they will breach this trust or where the non-citizen has been convicted of offences in Australia or elsewhere, it may be appropriate to not revoke the mandatory visa cancellation of such a person. Non-revocation may be appropriate simply because the nature of the character concerns or offences are such that the Australian community would expect that the person

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should not hold a visa. Decision-makers should have due regard to the Government's views in this respect.

14. Other considerations – revocation requests

(1) In deciding whether to revoke the mandatory cancellation of a visa, other considerations must be taken into account where relevant. These considerations include (but are not limited to):

a) International non-refoulement obligations;
b) Strength, nature and duration of ties;
c) Impact on Australian business interests;
d) Impact on victims;
e) Extent of impediments if removed.

14.1 International non-refoulement obligations

(1) A non-refoulement obligation is an obligation not to forcibly return, deport or expel a person to a place where they will be at risk of a specific type of harm. Australia has non-refoulement obligations under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol (together called the Refugees Convention); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the CAT); and the International Covenant on Civil and Political Rights and its Second Optional Protocol (the ICCPR). The Act reflects Australia's interpretation of those obligations and, where relevant, decision-makers should follow the tests enunciated in the Act.

(2) The existence of a non-refoulement obligation does not preclude non-revocation of the mandatory cancellation of a non-citizen's visa. This is because Australia will not remove a non-citizen, as a consequence of the cancellation of their visa, to the country in respect of which the non-refoulement obligation exists.

(3) Claims which may give rise to international non-refoulement obligations can be raised by the non-citizen in a request to revoke under s501CA the mandatory cancellation of their visa, or can be clear from the facts of the case (such as where the non-citizen held a protection visa that was mandatorily cancelled).

(4) Where a non-citizen makes claims which may give rise to international non-refoulement obligations and that non-citizen would be able to make a valid application for another visa if the mandatory cancellation is not revoked, it is unnecessary to determine whether non-refoulement obligations are owed to the non-citizen for the purposes of determining whether the cancellation of their visa should be revoked.

(5) If, however, the visa that was cancelled was a Protection visa, the person will be prevented from making an application for another visa, other than a Bridging R (Class WR) visa (section 501E of the Act and

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regulation 2.12A of the Regulations refers). The person will also be prevented by section 48A of the Act from making a further application for a Protection visa while they are in the migration zone (unless the Minister determines that section 48A does not apply to them – sections 48A and 48B of the Act refer).

(6) In these circumstances, decision-makers should seek an assessment of Australia's international treaty obligations. Any non-refoulement obligation should be weighed carefully against the seriousness of the non-citizen's criminal offending or other serious conduct in deciding whether or not the non-citizen should have their visa reinstated. Given that Australia will not return a person to their country of origin if to do so would be inconsistent with its international non-refoulement obligations, the operation of sections 189 and 196 of the Act means that, if the person's Protection visa remains cancelled, they would face the prospect of indefinite immigration detention.

14.2 Strength, nature and duration of ties

(1) The strength, nature and duration of ties to Australia. Reflecting the principles at 6.3, decision-makers must have regard to:

a) How long the non-citizen has resided in Australia, including whether the non-citizen arrived as a young child, noting that:
   i. less weight should be given where the non-citizen began offending soon after arriving in Australia; and
   ii. More weight should be given to time the non-citizen has spent contributing positively to the Australian community.

b) The strength, duration and nature of any family or social links with Australian citizens, Australian permanent residents and/or people who have an indefinite right to remain in Australia, including the effect of non-revocation on the non-citizen's immediate family in Australia (where those family members are Australian citizens, permanent residents, or people who have a right to remain in Australia indefinitely).

14.3 Impact on Australian business interests

(1) Impact on Australian business interests if the non-citizen's visa cancellation is not revoked, noting that an employment link would generally only be given weight where non-revocation would significantly compromise the delivery of a major project, or delivery of an important service in Australia.

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14.4 Impact on victims

(1) Impact of a decision not to revoke on members of the Australian community, including victims of the non-citizen's criminal behaviour, and the family members of the victim or victims where that information is available and the non-citizen being considered for revocation has been afforded procedural fairness.

14.5 Extent of impediments if removed

(1) The extent of any impediments that the non-citizen may face if removed from Australia to their home country, in establishing themselves and maintaining basic living standards (in the context of what is generally available to other citizens of that country), taking into account:

a) The non-citizen's age and health;
b) Whether there are substantial language or cultural barriers; and
c) Any social, medical and/or economic support available to them in that country.

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ANNEX A - Application of the character test

Section 1 Overview of the character test

Discretionary visa cancellation or refusal

(1) Under section 501 of the Act, a person may be refused a visa if the non-citizen does not satisfy the decision-maker that they pass the character test. A person may have their visa cancelled if the decision-maker reasonably suspects that the person does not pass the character test, and the person does not satisfy the decision-maker that they pass the character test.

(2) Persons who are being considered under section 501 of the Act must satisfy the decision-maker that they pass the character test set out in section 501(6) of the Act. In practice, this requires the decision-maker to determine, on the basis of all relevant information including information provided by the person, that the person does not pass the character test by reference to section 501(6) of the Act.

(3) Section 501(6) of the Act prescribes the circumstances in which a person does not pass the character test. A person need only be found to not pass one ground, in order to not pass the character test.

(4) In considering a person with unresolved criminal matters, decision-makers should note:

a) Where a person already fails the character test, any other outstanding criminal matters would not generally prevent consideration of their case under section 501;
b) A person who does not already fail the character test, and is the subject of criminal charges in Australia, which have not yet been finalised before the relevant court, would not generally be considered under section 501 until the charges have been finally determined;
c) Where a person is in Australia, and they are facing charges in another country, and the charges will not be resolved in absentia, the conduct that is the subject of those charges may be considered in the context of section 501(6)(c)(i) and/or (ii).

(5) If the person does not pass the character test, section 501(1) of the Act enables a visa to be refused and section 501(2) of the Act enables a visa to be cancelled.

Mandatory visa cancellation

(1) Under section 501(3A), a person's visa must be cancelled if:

a) The decision-maker is satisfied that the person does not pass the character test because of the operation of:
i. Paragraph 501(6)(a) (substantial criminal record), on the basis of paragraph 501(7)(a), (b) or (c) (the person

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has been sentenced to death, imprisonment for life, or to a term of imprisonment of 12 months or more); or

ii. paragraph 501(6)(e) (sexually based offences involving a child); and

b) the person is serving a sentence of imprisonment, on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a State or a Territory.

(2) In considering whether a person is liable for mandatory cancellation, decision-makers should note:

a) that the term 'serving a sentence of imprisonment, on a full-time basis' does not include periodic detention or home or residential detention. However, a person who has been serving a sentence of imprisonment on a full-time basis and who is participating in a work release scheme, or is permitted home visits is liable for mandatory cancellation;

b) that mandatory cancellation is not enlivened unless and until a delegate makes a finding that they are satisfied that the requirements as set out in section 501(3A)(a) and (b) are met. Once a delegate is satisfied that these requirements are met, the delegate must cancel the person's visa.

(3) The purpose of mandatory cancellation of the visas of certain visa holders who are in prison is to ensure that persons who pose a risk to the safety of the Australian community remain either in criminal or immigration detention until that risk has been assessed. In this context, there are some circumstances in which it may not be appropriate for a decision-maker to consider whether a person does not pass the character test (and is therefore liable for the cancellation of his or her visa). These circumstances include where a non-citizen is serving a sentence of imprisonment but will not have a visa which is in effect at the end of that sentence. This situation may arise:

a) where a person in prison has been granted a Bridging E visa (BVE) in order to maintain their lawful status while in prison. In circumstances where the BVE will cease upon the person's release from prison, it is not recommended that mandatory cancellation consideration be commenced.

b) where a person is the holder of a criminal justice visa (CJV). CJVs are granted to non-citizens whose entry and/or continued presence in Australia is required for the purposes of the administration of criminal justice. A criterion for a CJV is that a criminal justice stay certificate (CJSC) or a criminal justice stay warrant (CJSW) about the non-citizen is in force. If the CJSC or CJSW is cancelled any CJV granted because of the CJSC or CJSW is cancelled by operation of section 164 of the Act. The only other power under which CJVs may be cancelled is on character grounds under section 501 of the Act. However, in circumstances where the CJV holder is serving a

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sentence of imprisonment, this is unlikely to be appropriate.

Section 2 Application of the character test

1. Substantial criminal record (section 501(6)(a))

(1) A person does not pass the character test if the person has a substantial criminal record. The term 'substantial criminal record' is defined in section 501(7) of the Act.

(2) For the purposes of the character test, a person has a substantial criminal record if:

a) the person has been sentenced to death; or
b) the person has been sentenced to imprisonment for life; or
c) the person has been sentenced to a term of imprisonment of 12 months or more; or
d) the person has been sentenced to 2 or more terms of imprisonment where the total of those terms is 12 months (if a person has been sentenced to 2 or more terms of imprisonment to be served concurrently (whether in whole or in part), the whole of each term is to be counted in working out the total of the terms)**; or
e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution; or
f) the person has been found by a court to not be fit to plead, in relation to an offence; and as a result, the person has been detained in a facility or institution.

** Example: A person is sentenced to 2 terms of 3 months imprisonment for 2 offences, to be served concurrently. For the purposes of the character test, the total of those terms is 6 months.

2. Immigration detention offences (section 501(6)(aa) & (ab))

(1) A person does not pass the character test if the person has been convicted of an offence that was committed;
a) while the person was in immigration detention; or
b) during an escape by the person from immigration detention; or
c) after the person escaped from immigration detention but before the person was taken into immigration detention again.

(2) A person does not pass the character test if the person has been convicted of an offence against section 197A.

3. Membership/Association (section 501(6)(b))

(1) A person does not pass the character test if the Minister reasonably suspects:

a) that the person has been or is a member of a group or organisation, or has or has had an association with a group, organisation or person; and

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b) that the group, organisation or person has been, or is, involved in criminal conduct.

(2) A suspicion is less than a certainty or a belief, but more than a speculation or idle wondering. For a suspicion to be reasonable, it should be:

a) a suspicion that a reasonable person could hold in the particular circumstances; and
b) based on an objective consideration of relevant material.

(3) A member is a person who belongs to a group or organisation. The evidence required to establish reasonable suspicion of membership of a group or organisation will depend on the circumstances of the case. Decision-makers should note that failure of this limb of the character test does not require an assessment that the person was sympathetic with, supportive of, or involved in the criminal conduct of the group or organisation. It is sufficient under this element of the test that the decision-maker has a reasonable suspicion that:

a) the person has been, or is a member of a group or organisation; and
b) the group or organisation has been, or is, involved in criminal conduct.

(4) In establishing association, the following factors are to be considered:

a) the nature of the association;
b) the degree and frequency of association the person had or has with the individual, group or organisation; and
c) the duration of the association.

(5) Decision-makers should note that in order for a person to fail the association limb of the character test, the delegate must have a reasonable suspicion that the person was sympathetic with, supportive of, or involved in the criminal conduct of the person, group or organisation – mere knowledge of the criminality of the associate is not, in itself, sufficient to establish association. In order to not pass the character test on this ground, the association must have some negative bearing upon the person's character.

(6) In some cases the information concerning association will be protected from disclosure by section 503A of the Act. In all cases, great care should be taken not to disclose information that might put the life or safety of informants or other people at risk.

4. Involvement in certain criminal activities (section 501(6)(ba))

(1) A person does not pass the character test if the Minister reasonably suspects the person has been, or is involved in, conduct constituting one or more of the following:

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a) an offence of people smuggling (as described in sections 233A to 234A of the Migration Act;
b) an offence of trafficking in persons;
c) the crime of genocide, a crime against humanity, a war crime, a crime involving torture or slavery or a crime that is otherwise of serious international concern.

(2) In order to fail this limb of the character test, a person is not required to have been convicted of an offence constituted by the conduct.

5. Not of good character on account of past and present criminal or general conduct (section 501(6)(c)(i) and (ii))

(1) A person does not pass the character test if the person is not of good character, having regard to their past and present criminal and/or their past and present general conduct.

(2) The concepts of criminal conduct and general conduct are not mutually exclusive. Conduct can be both general and criminal at the same time or it may be either general or criminal conduct: *Wong v Minister for Minister Immigration and Multicultural Affairs* [2002] FCAFC 440 at [33].

(3) In considering whether a person is not of good character, all the relevant circumstances of the particular case are to be taken into account to obtain a complete picture of the person's character.

a) In *Godley v Minister for Immigration and Multicultural and Indigenous Affairs* (2004) 83 ALD 411, Lee J said at [34] 'the words "of good character" mean enduring moral qualities reflected in soundness and reliability in moral judgement in the performance of day to day activities and in dealing with fellow citizens. It is not simply a matter of repute, fame or standing in the community but of continuing performance according to moral principle. A person of ill repute by reason of past criminal conduct may nonetheless, on objective examination at a later stage in life, be shown to be a person reformed and now of good character.'

(4) In order to fail this limb of the character test, a person need not necessarily have a recent criminal conviction, or have been involved in recent general conduct which would indicate that they are not of 'good character'. However, the conduct in question must be sufficient to indicate a lack of enduring moral quality that outweighs any consideration of more recent good behaviour.

a) In Godley, Lee J went on to say 'For a finding to be made under s501(6)(c) that a person is not of good character it is necessary that the nature of the conduct said to be criminal , be examined and assessed as to its degree of moral culpability or turpitude. Furthermore, there must be examination of past and present criminal conduct sufficient to establish that a person at

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the time of decision is not then of good character. The point at which recent criminal conduct, (as the term 'present criminal conduct' is to be understood), becomes past criminal conduct must be a matter of judgement. If there is no recent criminal conduct that circumstances will point to the need for the Minister to give due weight to that fact before concluding that a visa applicant is not of good character'.

'Before past and present general conduct may be taken to reveal indicia that a visa applicant is not of good character continuing conduct must be demonstrated that shows a lack of enduring moral quality. Although in some circumstances isolated elements of conduct may be significant and display lack of moral worth they will be rare, and as with consideration of criminal conduct there must be due regard given to recent good conduct.

5.1 Past and present criminal conduct

(1) In considering whether a person is not of good character on the basis of past or present criminal conduct, the following factors are to be considered:

a) The nature and severity of the criminal conduct;
b) The frequency of the person's offending and whether there is any trend of increasing seriousness;
c) The cumulative effect of repeated offending;
d) Any circumstances surrounding the criminal conduct which may explain the conduct such as may be evident from judges' comments, parole reports and similar authoritative documents; and
e) The conduct of the person since their most recent offence, including:
   i. The length of time since the person last engaged in criminal conduct;
   ii. Any evidence of recidivism or continuing association with criminals;
   iii. Any pattern of similar criminal conduct;
   iv. Any pattern of continued or blatant disregard or contempt for the law; and
   v. Any conduct which may indicate character reform.

5.2 Past and present general conduct

(1) The past and present general conduct provision allows a broader view of a person's character where convictions may not have been recorded or where the person's conduct may not have constituted a criminal offence.

a) In considering whether the person is not of good character, the relevant circumstances of the particular case are to be taken

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into account, including evidence of rehabilitation and any relevant periods of good conduct.

(2) The following factors may also be considered in determining whether a person is not of good character:

a) Whether the person has been involved in activities indicating contempt or disregard for the law or for human rights. This includes, but is not limited to:
   i. Involvement in activities such as terrorist activity, activities in relation to trafficking or possession of trafficable quantities of proscribed substances, political extremism, extortion, fraud; or
   ii. A history of serious breaches of immigration law, breach of visa conditions or visa overstay in Australia or another country; or
   iii. Involvement in war crimes or crimes against humanity;

b) whether the person has been removed or deported from Australia or another country and the circumstances that led to the removal /deportation; or

c) whether the person has been:
   i. dishonourably discharged; or
   ii. discharged prematurely;
   from the armed forces of another country as the result of disciplinary action in circumstances, or because of conduct that, in Australia would be regarded as serious.

(3) Where a person is in Australia and charges have been brought against that person in a jurisdiction other than an Australian jurisdiction, and those charges will not be resolved *in absentia*, the conduct that is the subject of those charges may be considered in the context of its impact on the person's overall character.

6 Risk in regards to future conduct (section 501(6)(d))

(1) A person does not pass the character test if, in the event that the person were allowed to enter or remain in Australia, there is a risk that the person would engage in any of the conduct specified in section 501(6)(d) of the Act. The types of conduct specified are discussed below.

(2) The grounds are enlivened if there is evidence suggesting that there is more than a minimal or remote chance that the person, if allowed to enter or to remain in Australia, would engage in conduct specified in section 501(6)(d) of the Act.

(3) It is not sufficient to find that the person has engaged in conduct specified in paragraph 501(6)(d) of the Act in the past. There must be a risk that the person would engage in the future in the specified conduct set out in section 501(6)(d) of the Act.

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6.1 Risk of engaging in criminal conduct in Australia (section 501(6)(d)(i))

(1) A person does not pass the character test if, in the event that the person were allowed to enter or remain in Australia, there is a risk that the person will engage in criminal conduct in Australia.

(2) The reference to criminal conduct must be read as requiring that there is a risk of the person engaging in conduct for which a criminal conviction could be recorded.

6.2 Risk of harassing, molesting, intimidating or stalking another person in Australia (section 501(6)(d)(ii))

(1) A person will not pass the character test if, in the event that the person were allowed to enter or remain in Australia, there is a risk that the person will harass, molest, intimidate or stalk another person in Australia.

(2) 'Harassment', 'molestation' 'intimidation' and 'stalking' are to be given their ordinary meaning. Section 501(11) of the Act clarifies the scope of conduct amounting to harassment or molestation. Conduct and behaviours that may fall under this category include, but are not limited to, the following:

a) conduct that could be construed as harassment or intimidation (whether or not it breaches the terms of an Apprehended or Domestic Violence (or similar) Order);
b) conduct that potentially places children in danger, such as unwelcome and/or inappropriate approaches, including, but not limited to, approaches made through electronic media; or
c) conduct that would reasonably cause an individual to be severely apprehensive, fearful, alarmed or distressed regarding the person's behaviour or alleged behaviour towards the individual, any other individual, or in relation to their property or that of any other individual.

6.3 Risk of vilifying a segment of the community, of inciting discord or of representing a danger through involvement in disruptive and/or violent activities (section 501(6)(d)(iii), (iv) and (v))

(1) In deciding whether a person does not pass the character test under section 501(6)(d)(iii), (iv) or (v) of the Act, factors to be considered include, but are not limited to, evidence that the person:

a) Would hold or advocate extremist views such as a belief in the use of violence as a legitimate means of political expression;
b) Would vilify a part of the community;
c) has a record of encouraging disregard for law and order;
Note: For example, in the course of addressing public rallies.
d) has engaged or threatens to engage in conduct likely to be incompatible with the smooth operation of a multicultural society;

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Note: For example, advocating that particular ethnic groups should adopt political, social or religious values well outside those generally acceptable in Australian society, and which, if adopted or practised, might lead to discord within those groups or between those groups and other segments of Australian society.

e) participates in, or is active in promotion of, politically motivated violence or criminal violence and/or is likely to propagate or encourage such action in Australia;

f) is likely to provoke civil unrest in Australia because of the conjunction of the person's intended activities and proposed timing of their presence in Australia with those of another individual, group or organisation holding opposing views.

(2) The operation of section 501(6)(d)(iii), (iv) and (v) of the Act must be balanced against Australia's well established tradition of free expression. The grounds in these sub-paragraphs are not intended to provide a charter for denying entry or continued stay to persons merely because they hold and are likely to express unpopular opinions. However, where these opinions may attract strong expressions of disagreement and condemnation from the Australian community, the current views of the community will be a consideration in terms of assessing the extent to which particular activities or opinions are likely to cause discord or unrest.

7 Sexually based offences involving a child (section 501(6)(e))

(1) A person will not pass the character test if a court in Australia or a foreign country has convicted them of one or more sexually based offences involving a child or found them guilty of such an offence, or found a charge proven against them, even if the person was discharged without conviction.

(2) Sexually based offences involving a child include, but are not limited to offences such as:

a) Child sexual abuse;
b) Indecent dealings with a child;
c) Possession or distribution of child pornography;
d) Internet grooming; and
e) Other non-contract carriage service offences.

(3) This provision applies irrespective of the level of penalty or orders made in relation to the offence.

8 Crimes under International Humanitarian Law (section 501(6)(f))

(1) A person will not pass the character test if the person has, in Australia or a foreign country, been charged with or indicted for one or more of the following:

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a) the crime of genocide;
b) a crime against humanity;
c) a war crime;
d) a crime involving torture or slavery;
e) a crime that is otherwise of serious international concern.

9 National security risk (section 501(6)(g))

(1) A person will not pass the character test if the person has been assessed by the Australian Security Intelligence Organisation (ASIO) to be directly or indirectly a risk to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*)

10 Certain Interpol Notices (section 501(6)(h))

(1) A person will not pass the character test if an Interpol notice in relation to the person is in force, and it is reasonable to infer from that notice that the person would present a risk to the Australian community or a segment of that community.

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ANNEX B - Interpretation

Act — means the *Migration Act 1958*.

Character test — is the character test prescribed in s501(6) of the Act and set out in Annex A of this Direction.

Decision-maker — means a person (sometimes referred to as a delegate), or a body (such as the Administrative Appeals Tribunal) with the power to perform functions or exercise powers under s501 of the Act.

Immigration detention — is defined in section 5 of the Act and means:

a. being in the company of, and restrained by:
   i. an officer; or
   ii. in relation to a particular detainee – another non-citizen directed by the Secretary to accompany and restrain the detainee; or

b. being held by, or on behalf of an officer;
   i. in a detention centre established under this Act; or
   ii. in a prison or remand centre of the Commonwealth, a State or Territory; or
   iii. in a police station or watch house; or
   iv. in relation to a non-citizen who is prevented, under section 249 of the Act, from leaving a vessel – on that vessel; or
   v. in another place approved by the Minister in writing.

Minor — is defined in section 5 of the Act as a person is who less than 18 years old.

Non-citizen — is defined in section 5 of the Act as a person who is not an Australian citizen

Remove — is defined in section 5 of the Act as remove from Australia.

Serious conduct — Behaviour or conduct of concern where a conviction may not have been recorded, or where the conduct may

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	not, strictly speaking, have constituted a criminal offence. Such conduct may include, for example, involvement in activities indicating contempt or disregard for the law or human rights, or a history of serious breaches of immigration law. It also includes conduct which may be considered under s501(6)(c) and/or s501(6)(d).
Section 501	means section 501 of the Act
Substantial criminal record	is defined in section 501(7) of the Act.
Substantive visa	is defined in section 5 of the Act and means a visa other than: a. a bridging visa; or b. a criminal justice visa; or c. an enforcement visa.
Visa	Subject to the Act, the Minister may grant a non-citizen permission, to be known as a visa, to do either or both of the following: a. travel to and enter Australia; b. remain in Australia
Visa applicant	is defined in section 5 of the Act as an applicant for a visa and, in relation to a visa, means the applicant for the visa.
Visa holder	is defined in section 5 of the Act as the holder of a visa and, in relation to a visa, means the holder of the visa.

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Australian Government

Department of Home Affairs

Biometrics Collection and Matching for Immigration and Citizenship

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Key Issues

Immigration & Citizenship – Current Biometrics Collection and Matching Capabilities

- 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 performs an important role in assuring non-citizens' identities before they enter the Australian community.
- Biometric collection and matching provides information to decision makers that may otherwise be unknown. Match information is provided for consideration in visa applications, detention placement and refugee assessment decisions.
- For immigration and citizenship purposes fingerprints and facial images are collected from certain applicants on a risk-basis where legislation permits. Examples include:
    - applicants for particular visa products in certain locations are required to provide biometrics (facial image and fingerprint) through off-shore service providers
    - 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.
- The Offshore Biometric Collection Program currently covers 44 countries (Attachment A), s47 [redacted] At this stage the E(d program is limited by technical capacity, however, the implementation of the Enterprise Biometric Identification Service (EBIS) starting in early 2019 will increase the Department's capacity and allow for greater collection volumes.
- Commencing with the Government's announcement in the 2017/18 Budget of $59.9 million for a new enterprise biometrics capability to contribute to a safer border and safer Australia, the EBIS system design, planning and procurement activity commenced on 1 July 2017, and all project activity is on track.
    - With development underway in partnership with Unisys s47E(d), s47C [redacted] EBIS is a multi-factor identity management and authentication solution supporting face and fingerprint biometrics. EBIS is designed to:manage and maintain an initial 250 million facial images and fingerprint images, with annual growth of over 75 million from visa, immigration, and border operations.
    - Process over 200,000 biometric matching transactions on a daily basis for visa, immigration, and border operations.
    - s47E(d), s47C [redacted]
    - s47E(d), s47C [redacted]
- s47E(d), s47C [redacted]
- s47E(d), s47C [redacted]

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Match Rates

- From 1 July 2017 to 30 June 2018, Home Affairs collected 841,172 facial images and 564,781 fingerprints. This was a 12.2 per cent increase in fingerprint enrolments and 2.5 per cent increase in face image enrolments in 2017–18 compared to 2016–17.
- s47E(d), s47C [redacted]
- Matching with our partners creates increased efficiency in decision making for compliant bona fide travellers, and provides additional information to decision makers in regards to mala fide travellers. s47E(d), s47C [redacted]
- s47E(d), s47C [redacted]

Enhanced Biometrics at the Border

- The Enhanced Biometrics at the Border (EBatB) project was initiated in 2014 by the Department as part of the Government's Counter Terrorism measures to respond to the threat from Foreign Fighters.
- The EBatB devices are a new mobile technology developed to enable one-to-many, real-time 'biometric checks'. A minimum of four fingerprints are scanned. The checks including explanation (supported by interpreter cards where necessary) take a few minutes of the traveller's time, with checks typically taking less than 60 seconds to complete. Fingerprint scans collected through this process are not retained and are deleted as soon as the check is completed.
- s47E(d), s47C [redacted]
- Not all travellers are subject to a fingerprint biometric check. s47E(d), s47C [redacted]
- The capability enhances the speed and accuracy if identity and character determinations at Australia's border.
- The capability is deployed at all Australian airports for accessing immigration fingerprint information only. s47E(d), s47C [redacted]

Attachments

Attachment A – Offshore biometric collection countries

Attachment B – s47E(d), s47C [redacted]

Contact Details
Name: Andrew Rice, Acting First Assistant Security, Identity and Biometrics Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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Attachment A

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

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Attachment B

s47E(d), s47C

[redacted]

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ABF: Portfolio Agency Overview

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Overview

Purpose and role

- The ABF is an integral part of the Home Affairs Portfolio, reflecting its role as Australia's frontline border law enforcement agency.
- The ABF is Australia's customs service. The facilitation of legitimate trade and travel continues to be an important priority.
- The ABF continues to maintain its vital role in protecting Australia's border and managing the movement of people and goods across it.
- The ABF Mission is to protect Australia's border and enable legitimate travel and trade.
- The ABF is not an independent statutory authority under the Public Governance, Performance and Accountability Act (PGPA Act), with the Department of Home Affairs providing corporate and enabling support 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 is also the Comptroller-General of Customs under the *Customs Act 1901*.
- The ABF Commissioner reports directly to the Minister for Home Affairs for all operational matters and has been delegated powers by the Minister to control ABF operations. The ABF Commissioner has power to do all things necessary to operate as an independent body in connection with the performance of their duties.
- The ABF's core functions are to target and prevent border-related offences 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.
- The ABF's Headquarters is located in Canberra and it has a permanent presence in all States and Territories.
    - The ABF also has an international presence through posted officers at key locations to protect the Australian community by identifying and treating risks offshore, they contribute to offshore detection and disruption efforts through tactical and strategic identification, detection and response to potential threats.
- The 2018-19 Operational Priorities fall under three key areas being Trade Enforcement, the Migration System and Border Protection, supported by 18 lines of effort as per below:

Trade Enforcement	Migration System	Border Protection
Tobacco	People smuggling	Traveller and cargo clearance
Trade compliance	Visa and migration fraud	Illicit drugs
Trade measures	Foreign worker exploitation	Counter terrorism
Money laundering/transfer	Safe, secure and sustainable detention	Firearms

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Supply chain integrity	Community protection, cancellations and removals	Child exploitation
		Northern border
		Exploitation of natural resources
		Asbestos

- In June 2018 the ABF released its strategic narrative *Realising our full potential*. This document sets the ABF direction over the next three years and details the ABF's new mission, vision, values, challenges and behaviours. Additionally, it sets out three key priorities to strengthen our operational performance including: Leadership, Officer Capability and Operational Excellence.
- 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
Strategic Border Command	Port Operations Command
Operational Practices Command	Border Patrol and Coordination Command
Close Support Command	Enforcement Command
ABF Business Services	Maritime Border Command
Detention and Offshore Operations Command	Operation Sovereign Borders JATF

- The ABF is the second largest revenue collector for the Australian Government. See table below for 16-17 figures (noting 17/18 revenue statistics as they are under embargo until the annual report is tabled in parliament):

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

Staff Statistics - as of 31 July 2018	
ABF Staff	6,001 employees
Operations Group	4,528
Support Group	1,473
BFORTs	606 (from period 1 July 2015 to 31 July 2018)

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Contact Details
Name: Michael Outram, Commissioner, Australian Border Force
Phone: (w) 02 s22(1)(a)(ii)

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Ministerial Office Support

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Key Issues

- Support provided by the Commonwealth to the Minister's Office is governed by the *Parliamentary Business Resources Act 2017 (PBR Act)*. This Act creates a framework for the use of public resources by members of Parliament in connection with parliamentary business.
- The provisions outlined in the *PBR Act* are administered through the Department of Finance (DoF), in their Ministerial and Parliamentary Services (MAPS) section.
- Where the legislative framework and supporting guidance provided by DoF outlines that a portfolio agency will manage expenses and support internally, the Department of Home Affairs Ministerial and Parliamentary Branch within the Executive Coordination Division coordinates the provision of this support to the Offices of the Home Affairs Portfolio Ministers.
- The Ministerial and Parliamentary Branch provides the following support services including, but not limited to:
    - Financial Management of the Minister's portfolio related expenses.
    - Coordinating the provision of departmental assets, mobile devices, ICT products and systems accesses on behalf of the Minister and Ministerial staff.
    - Provision of portfolio consumables including ministerial envelopes and paper stock, stationery, general office supplies and business cards for the Minister and Ministerial staff.
    - Coordinating the commissioning and decommissioning of Minister's offices following ministerial and Government changes.
    - Secretariat services for operational and strategic discussions that meet the expectations and information needs of the Ministers and the Senior Executive.
    - Management and coordination of responses to Parliamentarian and electorate officer enquiries, Question Time Briefs and Senate Estimates.
    - Provision of end to end processes for Parliamentary Committees, Questions on Notice, tabling of Standing Orders and outstanding Government responses.
    - Provision of a central point of contact between the Department, the Minister's Office, Prime Minister & Cabinet and other departments/agencies on Cabinet matters.
    - Management and Coordination of ministerial submissions, briefs and correspondence, and providing other ministerial services as required to the Ministerial Offices.
    - Management and oversight of the Parliamentary Document Management System (PDMS) across the Home Affairs portfolio.

Departmental Liaison Network

- The purpose of a Departmental Liaison Officer (DLO) is to provide a Minister's Office with access to an Australian Public Service officer who has the means to source current and accurate information from the Department, and ensures the Department has a central liaison point in the Minister's Office to assist with the two-way information flow and handling of ministerial documentation.
- Under existing entitlement arrangements through the *PBR Act*, and in accordance with permissions granted by the Office of the Prime Minister, the Department of Home Affairs funds DLOs. The previous allocation of DLOs were as follows:

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Portfolio Responsibility	Allocation of DLO	Portfolio Agency Representation	APS Level
Minister for Home Affairs	4	Department of Home Affairs	EL2
		Department of Home Affairs	EL1
		Australian Federal Police	EL1
		s22(1)(a)(ii)	
Minister for Citizenship and Multicultural Affairs	2	Department of Home Affairs	EL1
		Department of Home Affairs	EL1
Minister for Law Enforcement and Cyber Security	2	Department of Home Affairs	EL1
		Australian Federal Police	EL1
Assistant Minister for Home Affairs	1	Department of Home Affairs	EL1

Portfolio Media and Engagement Branch

- The Portfolio Media and Engagement Branch is the public affairs arm of Home Affairs. The Branch is the sole point of contact for media and is responsible for managing all media engagement and delivering external communication activities for both the Department of Home Affairs and the Australian Border Force, as well as coordinating media issues across the Portfolio.
- The Portfolio Media and Engagement Branch is also responsible for speechwriting, social media, the development of national advertising campaigns and delivering professional video production, graphic design and print procurement services. The Branch directly supports and works closely with all Portfolio Ministers Offices and coordinates the whole of Government public information response to crises through the Australian Government's Crisis Coordination Centre.

Parliamentary Liaison Network

- The Parliamentary Liaison Network Section, comprised of liaison officers located in each State and Territory Office, acts as a dedicated contact point for Members of Parliament, Senators and their Electorate Office staff to direct constituent case related enquiries.
- The Parliamentary Liaison Network plays an important role in managing the relationship between the Department and Parliamentarians and works closely with policy areas, visa processing areas and other business lines to respond to Parliamentarian enquiries.

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Key Contacts:

Kylie Scholten, FAS Executive Coordination Division	s22(1)(a)(ii)
Jacob Cannon, AS Ministerial and Parliamentary	
Brooke Sawyer, AS Portfolio Media & Engagement Branch	
s22(1)(a)(ii), Director Ministerial Support	
s22(1)(a)(ii), Acting Director Ministerial Executive Support	
s22(1)(a)(ii), Acting Director Parliamentary	
Cabinet Liaison Office Services duty phone	
Home Affairs Media Hotline (24/7 operations)	
Parliamentary Liaison Network (9am to 4pm Monday to Friday)	

Contact Details
Name: Kylie Scholten, First Assistant Secretary, Executive Coordination Division
Phone: (w) 02 s22(1)(a)(ii) (m) s22(1)(a)(ii)

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SUPPLEMENTARY PACK
LEGISLATION INDEX

ADMINISTRATIVE ARRANGEMENTS ORDER
Anti-Money Laundering and Counter-Terrorism Financing Act 2006
AusCheck Act 2007
Australian Border Force Act 2015
Australian Citizenship Act 2007
Australian Citizenship (Transitionals and Consequentials) Act 2007
Australian Crime Commission Act 2002, except to the extent administered by the Attorney-General
Australian Crime Commission Establishment Act 2002
Australian Crime Commission (National Policing Information Charges) Act 2016
Australian Federal Police Act 1979
Australian Security Intelligence Organisation Act 1979, except to the extent
Australian Transaction Reports and Analysis Centre Industry Contribution Act
Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011
Aviation Transport Security Act 2004
Commerce (Trade Descriptions) Act 1905
Crimes Act 1914, Parts IAA, IAAA, IAAB, IAB, IAC, IC, ID, and IE
Crimes (Aviation) Act 1991
Criminology Research Act 1971
Customs Act 1901, other than Part XVB and Part XVC
Customs Licensing Charges Act 1997
Customs Securities (Penalties) Act 1981
Customs Tariff Act 1995
Customs Undertakings (Penalties) Act 1981
Financial Transaction Reports Act 1988
Immigration (Guardianship of Children) Act 1946
Import Processing Charges Act 2001
Inspector of Transport Security Act 2006
Intelligence Services Act 2001, insofar as it relates to the Australian Security Intelligence Organisation
Law Enforcement (AFP Professional Standards and Related Measures) Act 2006
Maritime Powers Act 2013
Maritime Transport and Offshore Facilities Security Act 2003
Migration Act 1958
Migration Agents Registration Application Charge Act 1997
Migration (Health Services) Charge Act 1991
Migration (Sponsorship Fees) Act 2007
Migration (Visa Application) Charge Act 1997
Narcotic Drugs Act 1967, sections 12 and 22 and subsection 24(2), and so much of the remaining provisions of that Act (other than sections 9, 10, 11, 13, 19 and 23 and subsection 24(1)) as relate to powers and functions under those sections
National Crime Authority (Status and Rights of Former Chairman) Act 1984

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Passenger Movement Charge Act 1978
Passenger Movement Charge Collection Act 1978
Proceeds of Crime Act 1987, except to the extent administered by the Attorney-General
Proceeds of Crime Act 2002
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act
Public Order (Protection of Persons and Property) Act 1971
Psychotropic Substances Act 1976
Social Security Act 1991, insofar as it relates to Australian Government Disaster Recovery Payment, Disaster Recovery Allowance and the Australian Victim of Terrorism Overseas Payment
Social Security (Administration) Act 1999, insofar as it relates to Australian Government Disaster Recovery Payment, Disaster Recovery Allowance and the Australian Victim of Terrorism Overseas Payment
Surveillance Devices Act 2004
Telecommunications (Interception and Access) Act 1979
Witness Protection Act 1994

Copies of each Act will be printed as required.

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