



Australian Government
Department of Home Affairs

Incoming Minister Brief

The Hon Alex Hawke MP
December 2020

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

Contents

PORTFOLIO AND DEPARTMENTAL OVERVIEW	5
Welcome to Home Affairs.....	6
The Home Affairs Portfolio	7
SUPPORTING YOUR OFFICE	18
Personal Ministerial Powers	19
Providing Advice to Your Office.....	22
Oversight and External Scrutiny	24
Working with General Counsel and Legal Group	26
Litigation	26
Australian Government Solicitor (AGS) in-house Special Counsel	27
Legal Services Directions 2017 (the Directions).....	27
Legislative program.....	29
OUR COVID-19 RESPONSE	32
National Coordination Mechanism	33
Inbound and Outbound Travel exemptions	35
Managing the safe return of Australians	37
Protecting our staff.....	39
THE DEPARTMENT OF HOME AFFAIRS	41
STRATEGY AND LAW ENFORCEMENT	41
Group overview and priorities.....	42
Transport Security.....	44
Transnational, Serious and Organised Crime	46
Current engagement with the Parliamentary Joint Committee on Intelligence and Security	48
Home Affairs Reform and Reinvestment Strategic Roadmap	51
Freedom of Information.....	53
Establishment of the Office of the Special Investigator	57

OFFICIAL

SOCIAL COHESION AND CITIZENSHIP	59
Group overview and priorities.....	60
Citizenship Program, including Citizenship Ceremonies	61
Counter-Terrorism.....	70
Counter Foreign Interference (CFI)	72
Social Cohesion and Multicultural Affairs.....	74
Countering Violent Extremism (CVE).....	77
IMMIGRATION AND SETTLEMENT SERVICES	80
Group overview and priorities.....	81
Australia's Visa System.....	83
Permanent Migration Program	90
Attachment A	92
Refugee and Humanitarian Program	95
Status Resolution Support Services Program	98
Permissions Capability.....	101
Section 501 (Character) Visa Cancellations and Refusals	104
Onshore Settlement Services and Adult Migrant English Program.....	106
GLOBAL BUSINESS, TALENT AND INVESTMENT ATTRACTION TASKFORCE.....	109
Group overview and priorities.....	110
COORDINATOR-GENERAL MIGRANT SERVICES.....	112
Group overview and priorities.....	113
NATIONAL RESILIENCE AND CYBER SECURITY	115
Group overview and priorities.....	116
Australia's 2020 Cyber Security Strategy.....	119
Critical Infrastructure and System of National Significance Reforms	125
Intelligence Capability	128
Operation Sovereign Borders.....	131
Regional Processing and Resettlement.....	134
International engagement.....	137

OFFICIAL

EMERGENCY MANAGEMENT AND COORDINATION	139
Group overview and priorities.....	140
Emergency Management Australia.....	142
Summer Preparedness and Hazard reduction	145
APPENDICES	148
Appendix 1 – Ministerial Forums	149
Appendix 2 – Visa subclass matrix	152
Appendix 3 - Acronyms	170
Appendix 4 – Permissions Capability Industry Information Paper	179
Appendix 5 – Department of Home Affairs Organisational Structure	180
Appendix 6 – Portfolio Key Contacts	181
Appendix 7 – Portfolio Statistics	182
Appendix 8 – SES Biographies	183

OFFICIAL

PORTFOLIO AND DEPARTMENTAL OVERVIEW

OFFICIAL



Welcome to Home Affairs

Minister Hawke

I would like to congratulate you on your appointment as Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs.

This ***Incoming Minister Brief*** provides you with relevant information on the work of the Department, including current policies, programs and initiatives.

On behalf of the Department and my senior leadership group, we look forward to working with you to deliver the Government's priorities for a prosperous, secure and united Australia.

Michael Pezzullo AO
Secretary
22 December 2020

The Home Affairs Portfolio

Key Highlights

The Home Affairs Portfolio (the Portfolio) brings together the Department of Home Affairs, Australian Border Force (ABF), Australian Federal Police (AFP), Australian Criminal Intelligence Commission (ACIC), Australian Security Intelligence Organisation (ASIO) and Australian Transaction Reports and Analysis Centre (AUSTRAC), creating an enhanced capability to ensure a more prosperous, secure and united Australia.

The Portfolio's total funding as at the 2020–21 Portfolio Budget Statements (PBS) is:

- \$8.2 billion in 2020–21
- \$28 billion over the forward estimates from 2020–21.

The total forecast Average Staffing Level (ASL) for the Portfolio in 2020–21 is 24,591.

The Department's total funding as at the 2020–21 PBS is:

- \$5.7 billion in 2020–21
- \$18.2 billion over the forward estimates from 2020–21.

The total forecast ASL for the Department in 2020–21 is 14,620

Overview

The Home Affairs Portfolio was established on 20 December 2017, with ASIO joining in May 2018. The Portfolio brings together the Department of Home Affairs, ABF, AFP, ACIC, ASIO and AUSTRAC. The ABF, while established within the Department for budgetary, employment and administrative purposes, is operationally independent. The Portfolio is focussed on ensuring a more prosperous, secure and united Australia, with responsibility for functions relating to Australia's federal law enforcement, immigration, citizenship, multicultural affairs, national and transport security, criminal justice, emergency management, and border related functions.

The structure of the Portfolio maintains the statutory independence of Portfolio agencies, while ensuring the external accountability and oversight arrangements are appropriately retained, and powers are exercised proportionally and lawfully.

As the Portfolio matures and our environment evolves, we continually assess and adjust our organisational priorities. We maintain a strong focus on our purpose, support coordinated Whole-of-Government efforts, and leverage domestic and international partnerships in delivering our priorities. The Portfolio's ten strategic priorities are:

- Manage emergencies and build resilience
- Protect Australia's sovereignty
- Social cohesion
- Secure cyber systems, critical infrastructure and Systems of National Significance
- Manage migration
- Secure the air and maritime border

- Facilitate trade and recovery of travel
- Fight crime
- Counter-terrorism
- Manage refugee and humanitarian issues.

Current Situation

The Portfolio's operating environment is typically characterised by increasing complexity and volume, notwithstanding the significance of the temporary impacts on international travel and migration caused by the COVID-19 pandemic. Our heightened operating environment will continue to require the Portfolio to pivot and respond to multi-faceted threats and risks. The Portfolio continues to assess our operating environment to ensure we remain vigilant and responsive to emerging and ongoing threats.

The [Home Affairs: The First Three Years](#) website was launched on Monday 21 December 2020 [to mark the third anniversary of the establishment of the Home Affairs Portfolio](#). *The First Three Years* showcases the Portfolio's key achievements against our ten strategic priorities and demonstrates how the integration of the Portfolio's capabilities, powers and functions have enhanced Australia's national security posture, enabled greater economic prosperity and strengthened our social cohesion.

Key achievements of the Portfolio in Immigration, Citizenship, Migrant Services and Multicultural Affairs since establishment include:

- launching the Global Talent Visa Program in November 2019 as a streamlined pathway for highly skilled professionals to work and live permanently in Australia, while making meaningful contributions to Australia's economic prosperity
- continuing successful delivery of the Migration Program under adjusted policy settings despite significant impacts due to the COVID-19 pandemic and associated travel restrictions
- improving the efficiency of Australia's Citizenship Program between 2017–18 and 2019–20, with citizenship conferral acquisitions rising 154 per cent to 204,817 new citizens. The proportion of citizenship applications online increased to 83 per cent, with over 87,000 applicants acquiring citizenship through online ceremonies between March and September 2020
- delivering over 11,000 engagements through the Community Liaison Officer Network, including extensive engagements to support newly settled refugee communities in Queensland following the February 2019 flood disaster, and Islamic communities across Australia following the March 2019 Christchurch terrorist attacks
- appointed the Commonwealth Coordinator-General for Migrant Services in late 2019 to work across government and with stakeholders to drive better settlement outcomes, including a lead role in the reform of the Commonwealth's contribution to English language acquisition for migrants and refugees.

Stakeholders / Forums

For Portfolio leadership and contact details, see [Appendix 3](#).

OFFICIAL

In 2019, the Home Affairs Portfolio leadership group established the Home Affairs Portfolio Board (the Board) to ensure a strong foundation of governance and cooperation and to coordinate the strengths of the constituent parts of Home Affairs. The Board is Home Affairs' premier strategic forum, focusing on future-facing issues, priorities, programs and initiatives from a whole-of-Portfolio perspective.

Several cross-portfolio committees and boards have been established to support collaboration on shared efforts, opportunities and challenges, providing a strong foundation to fully realise the potential of the Home Affairs Portfolio.

The Government's response to COVID-19 has driven collaboration across government and highlighted the importance of strengthened relationships. The Portfolio works collaboratively internally, and at a domestic and international level with a broad range of government agencies, industry groups, international organisations, non-government organisations, academia and community groups. We participate in a wide range of whole-of-government forums to contribute to broader whole-of-government initiatives that enable us to harness expertise and drive innovation. Our international partnerships offer opportunities to share information and contribute to national and multilateral solutions to global problems including transnational crime, irregular migration and border security. Our international partners include our South-East Asian and Indo-Pacific neighbours, and our Five Eyes partners (Canada, New Zealand, United Kingdom, and United States of America).

Outlook

The Department coordinates quarterly reporting against Government commitments to the Prime Minister through The Minister for Home Affairs. Following the release of the 2020–2021 Budget, the Prime Minister's Office has developed and assigned new Government commitments, including 26 new commitments assigned to the Home Affairs Portfolio.

The Portfolio's ongoing success relies on mature policy and operational capabilities to accurately identify and prepare for the outcome of long term trends and unexpected events, such as COVID-19. The Portfolio monitors and reviews trends in economy and trade, demography and migration, environment, infrastructure, geopolitics, and science and technology to consider and prepare for opportunities and challenges that may present themselves in our operating environment. These trends inform the ongoing assessment of the Portfolio's capability needs which strengthens our capacity to respond to identified challenges and opportunities. Consequently, our diverse and complementary agencies are empowered and supported to mitigate risk and maximise the benefits of emerging opportunities.

Budget, resourcing and assets

Current Situation

Home Affairs Portfolio:

- Total funding as at the 2020–21 PBS is (see Attachment A):
\$8.2 billion in 2020–21

OFFICIAL

\$28.0 billion over the forward estimates from 2020–21



- The total actual ASL for the Portfolio for 2019–20 was 23,286, and forecast ASL in 2020–21 is 24,591:

Entity	2019-20 Actual	2020-21 Estimate	Change
Department of Home Affairs ¹	13,751	14,620	869
AFP ¹	6,503	6,781	278
ACIC ¹	716	797	81
AIC ¹	22	35	13
AUSTRAC ¹	381	428	47
ASIO ¹	1,913	1,930	17
Grand Total	23,286	24,591	1,305

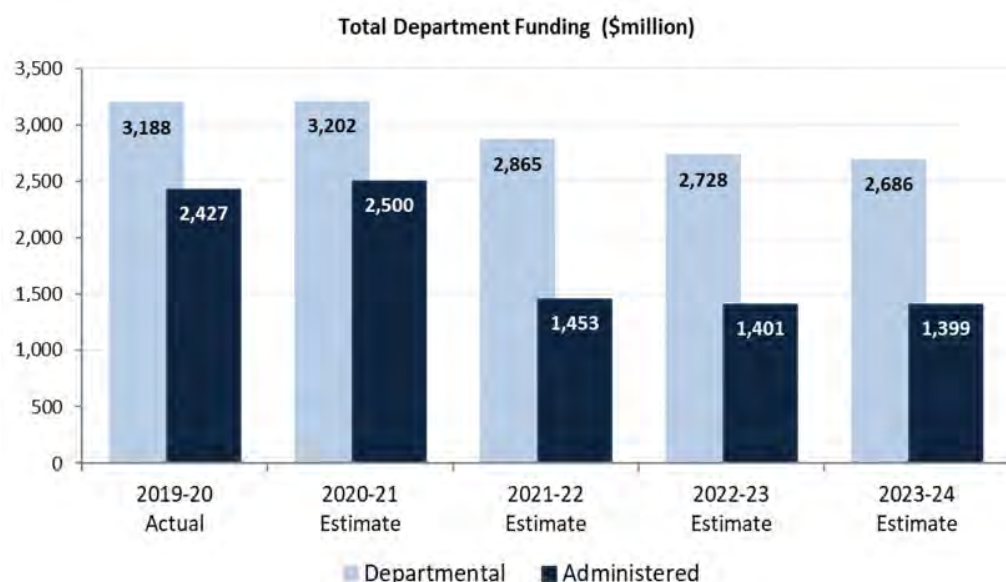
1. ASL reflects published data from the 2020-21 PBS.

Department of Home Affairs:

- The Department's total funding as at the 2020–21 PBS is:
 - \$5.7 billion in 2020–21
 - \$18.2 billion over the forward year estimates from 2020–21.

Table 1: Department funding as at 2020-21 PBS.

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Department of Home Affairs						
Departmental operating expenses	2,723.9	2,700.1	2,416.8	2,343.6	2,317.9	9,778.4
Departmental capital	236.4	235.9	231.4	173.6	156.5	797.4
Own-source revenue (s 74)	227.8	266.0	216.4	210.5	211.2	904.1
Departmental	3,188.1	3,202.0	2,864.6	2,727.7	2,685.6	11,479.9
Administered expenses	2,405.8	2,469.7	1,431.6	1,379.6	1,377.1	6,658.0
Administered capital	21.6	30.2	21.4	21.6	22.3	95.5
Administered	2,427.4	2,499.9	1,453.0	1,401.2	1,399.4	6,753.5
Total Department Of Home Affairs	5,615.5	5,701.9	4,317.6	4,128.9	4,085.0	18,233.4



Outlook

Revenues administered on behalf of Government

- As at the 2020–21 PBS, the Department is forecast to generate administered revenue of \$21.0 billion in 2020–21 and \$89.1 billion over the forward estimates from 2020-21.

Table 2: Revenues administered on behalf of the Government as at the 2020–21 PBS

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Customs Duty	19,506.7	18,839.5	18,839.5	18,359.5	18,579.5	74,617.8
Passenger Movement Charge	862.9	38.3	594.7	1,361.9	1,361.9	3,356.7
Import Processing (IPC and Depot Charge)	408.7	410.5	413.8	418.8	423.8	1,666.9
Visa Application Charges	2,157.2	1,671.7	2,147.5	2,488.4	2,757.0	9,064.6
Total taxation revenue	22,935.5	20,959.9	21,995.5	22,628.4	23,122.1	88,706.0
Citizenship fees	42.2	42.8	42.8	42.8	42.8	171.0
Other non-taxation revenue	48.3	67.5	60.0	64.8	49.9	242.2
Total non-taxation revenue	90.6	110.3	102.8	107.5	92.6	413.2
Total administered revenue	23,026.0	21,070.2	22,098.3	22,736.0	23,214.7	89,119.1

Departmental Expenses

- Total departmental expenses (*excluding depreciation and amortisation and other expenses not requiring an appropriation*), as at the 2020–21 PBS, are \$2.9 billion in 2020–21 and \$10.6 billion over the forward estimates from 2020–21.
- The reduction in departmental funding across the forward estimates is largely attributable to the following:
 - efficiencies applied to Home Affairs under the *Establishment of the Home Affairs Portfolio – efficiencies* measure;
 - the phase down of Reform funding; and
 - 2019-20 MYEFO measure *Election Commitment — Efficiency Dividend — extension*.

OFFICIAL

Table 3: Departmental expenses (excluding depreciation, amortisation and other expenses not requiring an appropriation) as at the 2020-21 PBS

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Outcome 1						
1.1: Border Enforcement	932.9	929.9	835.2	843.3	835.8	3,444.2
1.2: Border Management	356.5	352.7	290.6	289.9	297.8	1,230.9
1.3: Onshore Compliance and Detention	338.3	313.6	291.0	293.2	293.3	1,191.1
1.4: IMA Offshore Management	85.8	57.3	35.2	36.0	36.1	164.5
1.5: Regional Cooperation	34.7	33.5	32.2	32.3	32.4	130.4
1.6: Transport Security	34.5	33.1	32.0	32.0	31.8	128.9
1.7: National Security and Criminal Justice	118.4	155.2	131.4	104.1	101.9	492.6
1.8: Cyber Security	5.5	14.4	8.6	7.5	7.6	38.1
1.9: Counter Terrorism	10.0	11.5	11.2	11.3	11.3	45.2
1.10: Australian Government Disaster Financial Support Payments	-	-	-	-	-	-
Outcome 1	1,916.6	1,901.2	1,667.5	1,649.4	1,648.0	6,866.1
Outcome 2						
2.1: Multicultural Affairs and Citizenship	105.1	105.1	99.7	80.0	81.3	366.1
2.2: Migration	266.8	266.9	255.8	232.5	218.2	973.6
2.3: Visas	364.1	371.2	328.7	311.1	298.6	1,309.5
2.4: Refugee & Humanitarian Assistance	171.6	176.1	155.2	155.8	157.9	645.0
Outcome 2	907.5	919.3	839.5	779.5	756.0	3,294.2
Outcome 3						
3.1: Border-Revenue Collection	74.7	78.6	73.7	73.0	72.8	298.1
3.2: Trade Facilitation and Industry Engagement	49.6	44.3	42.4	42.0	42.2	170.9
Outcome 3	124.3	122.9	116.0	115.0	114.9	468.9
Total Departmental Expenses	2,948.4	2,943.3	2,623.0	2,543.9	2,518.9	10,629.1

Note: excluding depreciation, amortisation and other expenses not requiring an appropriation. 2019-20 and the forward estimates include section 75 appropriation transfers to Home Affairs.

Administered Expenses

- The total administered expenses (*excluding depreciation, amortisation and other expenses not requiring an appropriation*), as at the 2020-21 PBS, are \$2.5 billion in 2020-21 and \$6.7 billion over the forward estimates from 2020-21.
- The significant reduction in administered funding across the forward estimates (from approximately \$2.5 billion in 2020-21 to approximately \$1.4 billion each year in the forward years) is due to the funding associated with regional processing arrangements being provided on an annual basis based on the Government's decisions on Illegal Maritime Arrivals (IMAs) offshore management. Further, natural disaster related payments are cyclical and supplemented as required.

OFFICIAL

Table 4: Administered expenses (excluding depreciation, amortisation and other expenses not requiring an appropriation) as at the 2020–21 PBS

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Outcome 1						
1.2: Border Management	-	0.0	0.0	0.0	0.0	0.0
1.3: Onshore Compliance & Detention	615.6	659.9	604.3	583.9	594.6	2,442.6
1.4: IMA Offshore Management	785.4	1,077.6	225.6	224.1	223.0	1,750.2
1.5: Regional Cooperation	70.2	69.7	28.6	29.0	29.5	156.8
1.6: Transport Security	48.2	2.7	1.0	1.0	1.1	5.8
1.7: National Security and Criminal Justice	126.2	85.5	76.6	79.6	66.9	308.6
1.8: Cyber Security	-	-	10.2	10.3	10.5	30.9
1.9: Counter Terrorism	12.8	17.1	14.9	15.1	15.3	62.5
1.10: Australian Government Disaster Financial Support Payments	284.3	46.5	-	-	-	46.5
Outcome 1	1,942.7	1,959.1	961.1	942.9	940.9	4,804.0
Outcome 2						
2.1: Multicultural Affairs and Citizenship	2.3	25.4	1.9	0.4	0.4	28.1
2.3: Visas	0.3	-	-	-	-	-
2.4: Refugee and Humanitarian Assistance	440.3	486.9	471.3	438.9	438.5	1,835.6
Outcome 2	442.9	512.3	473.1	439.3	439.0	1,863.7
Administered expenses	2,385.7	2,471.3	1,434.3	1,382.3	1,379.8	6,667.7

Note: Excludes depreciation, amortisation expenses and other expenses not requiring an appropriation. 2019-20 and forward estimates include section 75 appropriation transfers to Home Affairs.

Program 1.10: Australian Government Disaster Financial Support Payments are cyclical in nature.

Capital Resourcing

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

Table 5: Administered capital as at the 2020–21 PBS

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Administered Capital Budget (ACB)	21.0	21.3	21.4	21.6	22.3	86.6
Equity injections	0.6	8.9	-	-	-	8.9
New capital appropriations	21.6	30.2	21.4	21.6	22.3	95.5
Funded by prior appropriations	8.7	4.3	-	-	-	4.3
Total funding	30.3	34.4	21.4	21.6	22.3	99.7

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

Table 6: Departmental capital as at the 2020–21 PBS

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Departmental Capital Budget (DCB)	121.2	157.4	155.8	155.7	156.2	625.1
Equity injections	115.2	78.5	75.5	17.9	0.3	172.2
New capital appropriations	236.4	235.9	231.4	173.6	156.5	797.3
Funded by prior appropriations	57.7	78.8	30.8	-	-	109.6
Total funding	294.1	314.7	262.1	173.6	156.5	906.9

Average Staffing Level

- ASL reflects the average number of employees receiving salary or wages over the financial year, including adjustments for casual and part-time staff, to show the full-time equivalent employment levels. The total forecast ASL for the Portfolio in 2020-21 is 24,591.
- The total forecast ASL for the Department in 2020–21 is 14,620, representing an increase of 869 ASL from the actual ASL for 2019-20 primarily due to the impacts from government decisions.

*Department of Home Affairs' 2020–21 Internal Budget and Property Footprint*Internal Budget

- As at 30 November 2020, the Department's year to date departmental operating expenditure is \$1.2 billion of a total revenue budget of \$2.9 billion (*excluding depreciation, amortisation and other expenses not requiring an appropriation*).
- The November year to date administered operating expenditure is \$0.9 billion of a full year administered operating budget of \$2.5 billion. The majority of year to date expenditure stems from Illegal Maritime Arrival Offshore Management (\$0.3 billion of a full year budget of \$1.1 billion) and Onshore Compliance and Detention (\$0.3 billion of a full year budget of \$0.7 billion).
- The November year to date departmental capital expenditure is \$67 million against a full year capital budget of \$351 million (including \$67 million movement of funds). The year to date administered capital expenditure is \$3 million against a full year capital budget of \$26 million.
- The November year to date administered income (excluding GST collected) is \$8.5 billion against an external budget of \$21.1 billion for 2020-21.

Attachments

A: Home Affairs Portfolio funding as at the PBS 2020–21

Contact Details

Name: Cheryl-anne Moy
Deputy Secretary/Chief Operating Officer

Contact: [02](#) [s. 22\(1\)\(a\)\(ii\)](#)
[s. 22\(1\)\(a\)\(ii\)](#) @homeaffairs.gov.au

Home Affairs Portfolio funding as at the PBS 2020-21

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Department of Home Affairs						
Departmental operating expenses	2,723.9	2,700.1	2,416.8	2,343.6	2,317.9	9,778.4
Departmental capital	236.4	235.9	231.4	173.6	156.5	797.4
Own-source revenue (s 74)	227.8	266.0	216.4	210.5	211.2	904.1
Departmental	3,188.1	3,202.0	2,864.6	2,727.7	2,685.6	11,479.9
Administered expenses	2,405.8	2,469.7	1,431.6	1,379.6	1,377.1	6,658.0
Administered capital	21.6	30.2	21.4	21.6	22.3	95.5
Administered	2,427.4	2,499.9	1,453.0	1,401.2	1,399.4	6,753.5
Total Department Of Home Affairs	5,615.5	5,701.9	4,317.6	4,128.9	4,085.0	18,233.4
Australian Criminal Intelligence Commission¹						
Departmental operating expenses	103.8	98.7	89.4	87.5	92.3	367.9
Departmental capital	11.4	10.8	11.0	4.4	2.6	28.8
Own-source revenue (s 74)	140.8	115.8	112.8	115.0	117.6	461.2
Departmental	256.0	225.3	213.2	206.9	212.5	857.9
Total ACIC	256.0	225.3	213.2	206.9	212.5	857.9
Australian Federal Police¹						
Departmental operating expenses	1,128.3	1,155.9	1,174.7	1,172.3	1,161.6	4,664.5
Departmental capital	123.4	103.0	97.7	93.6	102.1	396.4
Own-source revenue (s 74)	295.8	318.7	299.9	299.7	297.1	1,215.4
Departmental	1,547.5	1,577.6	1,572.3	1,565.6	1,560.8	6,276.3
Administered expenses	8.0	9.7	6.5	4.4	4.5	25.1
Administered	8.0	9.7	6.5	4.4	4.5	25.1
Total AFP	1,555.5	1,587.3	1,578.8	1,570.0	1,565.3	6,301.4
Australian Institute of Criminology¹						
Departmental operating expenses	4.6	4.6	4.6	4.6	4.6	18.4
Departmental capital	-	-	-	-	-	-
Own-source revenue (s 74)	1.8	2.0	1.3	0.6	0.6	4.5
Departmental	6.4	6.6	5.9	5.2	5.2	22.9
Total AIC (a)	6.4	6.6	5.9	5.2	5.2	22.9

Home Affairs Portfolio funding as at the PBS 2020-21 (continued)

(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL FE
Australian Transaction Reports and Analysis Centre¹						
Departmental operating expenses	72.3	83.4	87.8	85.7	86.3	343.2
Departmental capital	7.5	20.4	20.0	17.9	10.3	68.6
Own-source revenue (s 74)	8.5	8.0	2.0	1.4	0.4	11.8
Departmental	88.3	111.8	109.8	105.0	97.0	423.6
Total AUSTRAC	88.3	111.8	109.8	105.0	97.0	423.6
(\$'million)	2019-20 Actual	2020-21 Estimate	2021-22 Estimate	2022-23 Estimate	2023-24 Estimate	TOTAL
Australian Security Intelligence Organisation¹						
Departmental operating expenses	473.0	465.2	436.3	445.9	437.2	1,784.6
Departmental capital	72.2	82.7	52.1	52.0	52.0	238.8
Own-source revenue (s 74)	23.6	24.1	24.6	24.4	24.8	97.9
Departmental	568.8	572.0	513.0	522.3	514.0	2,121.3
Total Departmental ASIO	568.8	572.0	513.0	522.3	514.0	2,121.3
Total Home Affairs Portfolio Funding						
Departmental operating expenses	4,505.9	4,507.9	4,209.6	4,139.6	4,099.9	16,957.0
Departmental capital	450.9	452.8	412.2	341.5	323.5	1,530.0
Own-source revenue (s 74)	698.3	734.6	657.0	651.6	651.7	2,694.9
Total Departmental	5,655.1	5,695.3	5,278.8	5,132.7	5,075.1	21,181.9
Administered expenses	2,413.8	2,479.4	1,438.1	1,384.0	1,381.6	6,683.1
Administered capital	21.6	30.2	21.4	21.6	22.3	95.5
Total Administered	2,435.4	2,509.6	1,459.5	1,405.6	1,403.9	6,778.6
Grand Total	8,090.5	8,204.9	6,738.3	6,538.3	6,479.0	27,960.5

Note: Totals may not add due to rounding.

Note: Own-source revenue (S74) includes resources received free of charge.

1. Reflects published data from the 2020-21 PB Statements for 2019-20 and the forward estimates.

OFFICIAL

SUPPORTING YOUR OFFICE

Personal Ministerial Powers

Key Highlights

The Department of Home Affairs (the Department) administers legislation that includes personal (non-delegable) powers of the Minister. These powers relate to the national interest or public interest or otherwise are to be exercised by the Minister personally (some of which are non-compellable).

Overview

A selection of the most common and significant personal powers under a selection of Acts administered by the Department are provided below. All legislation administered by the Department is included in the Administrative Arrangements Order (AAO) made on 5 December 2019 (amended 2 April 2020). 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 AAO.

Migration Act 1958 (Migration Act)

The Migration Act contains personal powers the Minister exercises in the public or national interest including:

- non-compellable powers to substitute a more favourable decision than one made by the Administrative Appeals Tribunal (AAT) (public interest - ss 351, 417 and 501J);
- lifting the bar preventing a person making a valid visa application (public interest - ss 46A, 46B, 48B, 91L and 91Q);
- granting a detainee a visa (public interest - s 195A);
- designating that a country is a regional processing country (national interest - s 198AB); and
- refusing or cancelling a visa on character grounds (national interest - s 501(3)).

There are also personal powers in ss 72, 133A, 133C, 133F, 137N, 197AD, 198AD(5), 198AE, 261G(1)(b), 336L, 501A, 501B, 501BA, 501C and 502.

Australian Citizenship Act 2007 (Citizenship Act)

The Citizenship Act contains several personal powers of the Minister including:

- determining alternative special residence requirements for certain citizenship applicants (ss 22A(1A) and 22B(1A));
- revoking a person's citizenship in certain circumstances (s 34A(1)); and
- determining that a person's citizenship ceases if satisfied that they have engaged in certain conduct (s 36B) or for certain convictions (s 36D) and other related revocation powers (ss 36G, 36H and 36J).

Customs Act 1901 (Customs Act)

Under the Customs Act the Minister has the following personal powers:

- order a Collector to detain goods specified in the order if it is in the public interest (s 77EA(1));
- authorise the delivery into home consumption of detained goods (s 77ED(1)); and

- authorise the export of detained goods (ss 77EE(1)) and the export of goods that have not, under the Minister's authority, been delivered into home consumption or exported (s 77EF(2)).

Maritime Powers Act 2013 (Maritime Powers Act)

The Maritime Powers Act has personal powers, exercisable in the national interest by the Minister including the power to determine that maritime powers may be exercised between Australia and another country in specific circumstances (s 75D) and a power to give specific and general directions about the exercise of powers in ss 69, 71 and 72 to detain and move vessels and persons (s75F). There is also a personal power in s 75H to exempt certain vessels involved in maritime operations from the application of certain Acts.

Australian Border Force Act 2015 (ABF Act)

A reference in the ABF Act to the Minister doing something is a reference to the Minister acting personally. The Minister has a number of personal powers including prescribing a kind of information for the purposes of the definition of 'Immigration and Border Protection Information' (s 4(7)). There are also personal powers included in ss 14, 17, 18, 22, 23 and 58.

Security, Law Enforcement and other legislation

The Minister also personally exercises the following selection of powers in the Home Affairs Portfolio:

- Issuing guidelines to the Director-General of ASIO under s 8A of the *Australian Security Intelligence Organisation Act 1979* (ASIO Act);
- Determining whether notice of 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 to stop an individual receiving welfare payments 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);
- Other powers and functions including under the *Security of Critical Infrastructure Act 2018*, *Telecommunications Act 1997*, *Counter-Terrorism (Temporary Exclusion Orders) Act 2019*, *Proceeds of Crime Act 2002*, *Intelligence Services Act 2001* and *AusCheck Act 2007*;
- The Minister also has various personal powers in the *Aviation Transport Security Act 2004* for the purposes of safeguarding against unlawful interference with aviation, such as the power to specify prohibited items under s 9A and the power to prohibit the entry of certain kinds of cargo into Australian territory under s 65B.

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 Act 1995* (Criminal

OFFICIAL

Code), the Minister for Home Affairs has primary policy responsibility. In practice what this means for the Criminal Code is that:

- the AFP investigates 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.

Contact Details

Name: Pip De Veau

General Counsel/Group Manager Legal, Legal Group

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Providing Advice to Your Office

Key Highlights

The Department provides a range of advice to you as Minister. This will come to you in the form of Cabinet and Ministerial submissions, briefs, correspondence and email advice. We will work with your office to finalise personal preferences on language, style and templates to ensure the advice is targeted to meet your needs.

Overview

The Department is committed to providing you with advice that is timely, succinct, evidence-based and impartial. Our advice is apolitical and intended to support you to deliver the Government's policy agenda and priorities.

Our advice will be provided to you in written format and will provide information to assist you in decision making. There will be times when there is value in having oral discussions and in support of this the Department will provide you with such advice in writing to allow for transparent decision making.

Executive Division provides direct support to you and all Portfolio Ministers through the management and coordination of advice to Ministerial Offices, including:

Cabinet Submissions

A Cabinet Submission is a proposal that seeks agreement from the Cabinet to take a particular course of action. Submissions must be sponsored by the relevant Cabinet Minister with portfolio responsibility, and may be jointly sponsored by more than one Minister across one or multiple portfolios. Whole-of-Government consultation on a Submission occurs through the circulation of an Exposure Draft—where policy comment and drafting suggestions are sought—and through the circulation of the Co-ordination Final—where affected agencies provide a formal comment on their support for the proposal.

Ministerial Submissions

A Ministerial Submission is a formal document that provides you with advice or information on a particular subject or case. A Ministerial Submission provides you with a recommendation that requires you to make a decision, for example: Note, Approve, Sign or Agree. Each Submission must be signed by you as the Minister. Ministerial Submissions are generally initiated by the Department.

Ministerial Briefs

A Ministerial brief provides you with advice or information regarding an upcoming event or meeting, an individual case (visa, citizenship, detention, etc.) or any other matter on which you have requested information. Ministerial brief requests are usually initiated by your office. Ministerial briefs are provided for information only. There is no recommendation or decision and the document is not required to be signed.

Ministerial Correspondence

Ministerial correspondence is any hard copy or electronic correspondence sent to you. Your electronic correspondence will be managed through a web-form. All Portfolio-related Ministerial correspondence is registered in the Whole-of-Government Parliamentary Document Management System (PDMS) where a high priority is placed on the development of responses for your signature or departmental delegate.

OFFICIAL

Email Advice

It is Departmental policy that all written advice provided to Ministerial Offices be submitted via a Ministerial Submission or brief and be recorded in PDMS. Urgent advice will be provided via email as required with copy to MO Registration mailbox for record-keeping purposes.

Question Time Briefs

Prior to each Parliamentary sitting, a folder (or electronic package) of Question Time Briefs (QTBs) is prepared, providing suggested talking points and background information in relation to issues that may be raised in question time.

Parliamentary Questions on Notice

The Department monitors the parliamentary notice papers for written questions asked of you and drafts responses for your consideration and approval. Once approved, the Department will table the response on your behalf.

Contact Details

Name: Cheryl-anne Moy
Deputy Secretary/Chief Operating Officer

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Oversight and External Scrutiny

Key Highlights

The Department engages regularly with the Australian National Audit Office, the Commonwealth Ombudsman, the Australian Human Rights Commission, Red Cross and the United Nations High Commissioner for Refugees.

Overview

The Department enjoys a robust and productive relationship with external scrutiny bodies, and welcomes their feedback and recommendations on issues affecting individuals, systemic issues and procedural issues.

Current Situation

The Australian National Audit Office (ANAO), the Office of the Commonwealth Ombudsman (the Office), and the Australian Human Rights Commission (the Commission) have legislative oversight responsibilities. These bodies conduct oversight activities, and publish their reports and recommendations along with the Department's response on their websites.

The Red Cross, and the United Nations High Commissioner for Refugees (UNHCR) act as humanitarian observers. All engagements with Red Cross and UNHCR are confidential. Reports including recommendations and the Department's response are not published.

There are three Australian National Audit Office (ANAO) performance audits in-progress, and the 2020-21 Financial Statements audit:

- **Cyber Security Strategies of Non-Corporate Commonwealth Entities** is a cross entity audit examining the effectiveness of cyber security risk mitigation strategies implemented by selected non-corporate Commonwealth entities to meet mandatory requirements under the Protective Security Policy Framework (PSPF), and the support provided by the responsible cyber policy entities. The audit is to be tabled in February 2021.
- **Management of Civil Maritime Surveillance Services Contract** is examining whether the Department is effectively managing the Civil Maritime Surveillance Services Contract. The audit is to be tabled in August 2021.
- **Managing travel across the Australian border during COVID-19** will assess how effectively the Department of Home Affairs has managed Australian border travel restrictions. The audit is to be tabled in November 2021.

Legislation Framework

Auditor-General Act 1997

Australian Human Rights Commission Act 1986

Ombudsman Act 1976

Stakeholders / Forums

The Department engages with the following external scrutiny bodies:

OFFICIAL

- the ANAO which supports improvement to public sector performance, accountability and transparency in the Australian Government sector through independent reporting to the Parliament, the Executive and the public
- the Office which undertakes complaint investigations, own motion investigations, and compliance auditing
- the Commission which manages and assists with the resolution of human rights complaints, and
- the Red Cross and the United Nations High Commissioner for Refugees (UNHRC) act as humanitarian observers, particularly with regard to the Australian immigration detention network.

Outlook

There are four potential ANAO performance audits identified in the 2020-21 ANAO Annual Audit Work Program:

- Coordination of Border Intelligence
- Department of Home Affairs' Management of its Public Communications and Media Activities
- Integrity and Corruption Controls at International Airports, and
- Support to the Aviation Sector.

The Commonwealth Ombudsman publishes reports about his Office's activities in overseeing immigration detention. The report for the period January to June 2020 is anticipated to be received by the Department for comment in January 2021.

The President of the Commission also regularly publishes reports about the Commission's activities in overseeing immigration detention. The Commission is currently drafting a report on the Department's management of COVID-19 in immigration detention. The report is anticipated to be received by the Department for comment in early 2021.

Contact Details

Name: Cheryl-anne Moy
Deputy Secretary/Chief Operating Officer

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Working with General Counsel and Legal Group

Key Highlights

The work of Legal Group is fast paced. It is often legally complex, integral to delivering lawful outcomes and may attract significant public and/or media interest as well as interest at Parliamentary Hearings.

Overview

Legal Group is a centralised in-house practice, headed by General Counsel/Group Manager Legal, Pip de Veau. Legal Group delivers high quality in-house legal services to the Department and provides strategic legal advice and support to the Executive, Portfolio Ministers and the Attorney-General as First Law Officer. Legal Group is comprised of six Branches that actively manage legal risk in a diverse environment. The work ranges from issues concerning: national security; commercial law; employment law; law enforcement and border protection; strategy, training and support; a large and dynamic legislative reform agenda; advice on the Migration Act 1958 (Migration Act), Citizenship Act 2007 (Citizenship Act) and Australian Border Force Act 2015; and the highest litigation caseload in the Commonwealth.

Engagement with the Office

Due to the nature of work, Senior Executive Service Officers within Legal Group may at times communicate with you or your office directly via email and/or phone call if urgent issues arise and time does not permit a submission being provided and considered. This will likely arise in relation to the legislative program or where the Department is to provide an update at short notice in a sensitive/high profile litigation matter. Where possible, Legal Group will otherwise report to you on the litigation caseload through a Weekly Litigation Report. Legal Group will also provide submissions to you for consideration and/or noting in relation to other broader legal issues that may arise. Further there are:

- certain decisions that only you can make because they require the exercise of non-compellable, personal Ministerial powers; and
- a suite of instruments and delegations that can only be signed by you.

Accordingly, Legal Group will engage with you from time to time in relation to these matters. A separate brief detailing personal Ministerial powers has also been prepared (see "Personal Ministerial Powers" brief).

Litigation

The Department manages, on your behalf a large and diverse litigation caseload. You are the most litigated Minister in the Commonwealth. The two primary areas of litigation are:

- migration and citizenship litigation; and
- other civil litigation.

Litigation matters can be high profile in terms of media and parliamentary scrutiny, both in terms of substance and legal expenditure. Legal Group will brief you separately on significant litigation matters.

Migration and Citizenship

As at 16 December 2020, Legal Group was managing an active migration and citizenship administrative law litigation caseload of 15,134 matters. These are matters where non-citizens are seeking judicial review in the courts and the General Division of the Administrative Appeals Tribunal (AAT) of decisions made under the Migration Act, Citizenship Act and *Freedom of Information Act 1982*, including injunction applications to prevent removal from Australia. The Department has maintained a high success rate of over 90 per cent in defended matters over the last four years. In 2019-20 less than 1 percent of matters were commenced on your behalf. Consistent with the *Legal Services Directions 2017*, appeals are only filed on your behalf where there are reasonable prospects of success or the appeal is otherwise justified in the public interest. In most circumstances, these decisions are made at a departmental level and reported in the Weekly Litigation Report provided to your office.

Other civil litigation

As at 16 December 2020, Legal Group was managing a civil litigation caseload of approximately 1000 matters. These are claims filed in the courts for damages or where litigation has been foreshadowed, challenges to regional processing arrangements and departmental employment matters. The majority of litigation or foreshadowed litigation, involving claims for compensation, is handled by Comcover within the Department of Finance, in accordance with the Department's insurance arrangements. While Comcover will consult with the Department in managing these claims, ultimately Comcover provides the instructions and makes the decision on litigation strategy.

Australian Government Solicitor (AGS) in-house Special Counsel

The Senior Executive Service of the Department has access to the services of two full time lawyers from the Australian Government Solicitor (AGS). Special Counsel, Mr Ian Deane PSM, is a key provider of significant high level strategic legal and related advice services. Mr Deane is currently supported by Ms Wancy Lam who is also out posted from AGS. Mr Deane and Ms Lam provide advice on sensitive visa and citizenship decisions, the development of amendments to portfolio legislation, significant matters before the courts, complex or sensitive legal and policy issues and issues that may attract significant public or media interest.

Legal Services Directions 2017 (the Directions)

The Directions provide categories of work tied to particular government providers and which cannot be provided in-house. This includes work that involves: constitutional law issues, Cabinet work, national security issues, public international law; and legislative drafting work.

Pursuant to the Directions, the Department briefs external firms to conduct court litigation as solicitor on the record. The Department reports to the Attorney-General on significant legal issues as described in the

OFFICIAL

Directions and seeks the Attorney-General's agreement to settle or finalise litigation matters in accordance with the requirements in the Directions.

Contact Details

Name: Pip De Veau

General Counsel/Group Manager Legal, Legal Group

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Legislative program

Key Highlights

There are currently 14 Portfolio Bills before the Parliament. Bills have been approved for inclusion on the 2021 Autumn Legislation Program.

Bills before Parliament

The following Bills are before the Parliament. The Bills relating to migration and citizenship are set out first for ease of reference, with a brief explanation. Further information on the Bills approved for inclusion on the 2021 Autumn Legislation Program can be provided in a separate brief.

Migration and Citizenship Bills before Parliament

1. **Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill** - amends the *Migration Act 1958* and the *Australian Citizenship Act 2007* to restrict circumstances in which an officer can be required to produce or give evidence about protected information provided by gazetted law enforcement and intelligence agencies in relation to character-related decisions, to a court, tribunal or parliament.
2. **Migration Legislation Amendment (Regional Processing Cohort) Bill 2019** - bars any unauthorised maritime arrival taken to a regional processing country after 19 July 2013 from ever being eligible to apply for an Australian visa, and allows the Minister to lift the bar if he thinks it is in the public interest to do so.
3. **Migration Amendment (Strengthening the Character Test) Bill 2019** - creates an additional ground for visa refusal or cancellation where a person has been convicted of certain serious crimes, regardless of the length of sentence.
4. **Migration Amendment (Streamlining Visa Processing) Bill 2019** - enables the Minister to specify groups of visa applicants who must provide one or more specified personal identifiers in order to make a valid visa application.
5. **New Skilled Regional Visas (Consequential Amendments) Bill 2019** - makes consequential amendments to Commonwealth legislation to ensure that holders of the new skilled regional provisional visas (which commenced on 16 November 2019) will have access to welfare payments and government services as if they were holders of permanent visas, with time on the provisional visa to contribute to any applicable waiting periods.
6. **Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020** - amends the *Migration Act 1958* to determine 'prohibited things' and strengthen the powers of the Department of Home Affairs to search for and seize 'prohibited things' from detainees in immigration detention facilities operated by or on behalf of the Commonwealth.

Other Bills before Parliament

7. **Security Legislation Amendment (Critical Infrastructure) Bill** - Amends the Security of Critical Infrastructure Act 2018 to introduce government assistance powers (to step in in the event of a cyber security incident), a positive security obligation and an enhanced cyber security obligation.
8. **Customs Amendment (Product Specific Rule Modernisation) Bill 2019** - modernises the way in which the Product Specific Rules of origin for multiple Free Trade Agreements are given effect under Australian law.
9. **Identity-matching Services Bill 2019** - authorises the collection, use and disclosure of identification information to provide identity-matching services that employ facial biometric matching, when used for fraud prevention, law enforcement, national security and related purposes.
10. **Transport Security Amendment (Serious Crime) Bill 2019** – provides for the prevention of the use of aviation and maritime transport or offshore facilities in connection with serious crime. Amendments to the Bill in the House of Representatives provide for the conduct of criminal intelligence assessments by the Australian Criminal Intelligence Commission to assist with reducing criminal influence at Australia's airports and seaports.
11. **Telecommunications Legislation Amendment (International Production Orders) Bill 2020** - introduces a regime for Australian agencies to obtain independently-authorized international production orders for interception, stored communications and telecommunications data directed to designated communications providers in foreign countries with which Australia has a designated international agreement. It also removes legislative barriers under Australian law to enable Australian industry to respond to orders or requests for communications and related data from foreign countries with which Australia has a designated international agreement.
12. **Crimes Legislation Amendment (Economic Disruption) Bill 2020** - introduces a suite of measures to improve the Commonwealth's ability to disrupt the transnational, serious and organised crime business model and ensures that authorities will be better able to recover the proceeds of crime, adequately sentence people for laundering money and carry out effective undercover operations.
13. **Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020** - amends *the Surveillance Devices Act 2004*, the *Crimes Act 1914* and associated legislation to introduce new law enforcement powers to enhance the ability of the Australian Federal Police and the Australian Criminal Intelligence Commission to collect intelligence, conduct investigations and disrupt and prosecute the most serious of crimes.
14. **Customs Tariff Amendment (Incorporation of Proposals and Other Measures) Bill 2020** - amends the Customs Tariff Act 1995 to incorporate the Customs Tariff Proposals that provided concessional rates of customs duty for goods required to combat the COVID-19 pandemic.

OFFICIAL

Contact Details

Name: Pip De Veau

General Counsel/Group Manager Legal, Legal Group

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

OUR COVID-19 RESPONSE

National Coordination Mechanism

Key Highlights

The National Coordination Mechanism has been added to the new Emergency Management Coordination Group to support and coordinate nationally consistent approaches to emergency management, including relief, recovery and resilience efforts.

The NCM operates across all sectors, and works closely with Commonwealth agencies, state and territory jurisdictions, industry and the private sector where necessary. Its core role is to facilitate communication between stakeholders, and report on contemporaneous issues and options for leaders to enable timely and proportionate responses to national crises and emergencies.

Overview

On 5 March 2020, the National Coordination Mechanism (NCM) was commissioned by the National Security Committee of Cabinet to provide a centralised coordination function for the whole-of-government non-health response to COVID-19, and to support a consistent national approach, where possible.

In October 2020, it was announced that the NCM (previously established as a taskforce) and its functions would be imbedded permanently into the Department of Home Affairs, effective from 1 November 2020. As such, the NCM is now a division within the Emergency Management and Coordination (EMC) Group.

Current Situation

The NCM is currently transitioning from a taskforce dedicated to responding to COVID-19, to an imbedded function that is part of the Department's emergency response capability. In light of this, the NCM is working closely with Emergency Management Australia (EMA) to ensure coordinated response efforts during the 2020-21 high risk weather season, including the development of plans, procedures and protocols to support emergencies in a COVID-19 environment.

The NCM continues to provide secretariat support to the Managing Returns to Australia Working Group, focused on facilitating the return of Australians from overseas, and regular briefings to Commonwealth stakeholders and national leaders.

Legislation Framework

The NCM has no legislative authority to effect decisions. However, since 1 November 2020, it has been added as a key stakeholder under the Australian Government Crisis Management Framework (AGCMF), managed by the Department of the Prime Minister and Cabinet. The NCM will support EMA in effecting emergency response measures as required under the AGCMF.

Stakeholders / Forums

The NCM takes a sector-based approach to stakeholder engagement, convening collaborative forums (sector meetings) as required to address the specific impacts of a national crisis. These sectors include representatives from both federal and state and territory agencies, as well as industry bodies and the private sector as required.

The NCM has convened meetings for more than 30 sectors, including Major Events/Mass Gatherings, Education, Resources, Vulnerable Persons, Remote/Regional Communities and Law Enforcement. In addition, the NCM has held regular meetings with senior officials from First Ministers' Departments.

Outlook

The NCM's potential scope of work includes all national crises, including security incidents, natural disasters and public health crises. Within the Home Affairs portfolio, national crises usually fall within the responsibilities of the Minister for Home Affairs or the Minister for Agriculture, Drought and Emergency Management. However, any national crisis that affects international travel or visa holders in Australia will have implications for your portfolio.

The NCM will continue to maintain and develop strong relationships and a diverse network in order to effectively and efficiently facilitate the resolution of issues impacting federal, state and territory governments and industry partners during a crisis.

Contact Details

Name: Paul Grigson

Deputy Secretary

Contact:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Inbound and Outbound Travel exemptions

Key Highlights

Australia's travel restrictions are a key government measure that have successfully limited the spread of COVID-19 in the Australian community. Travel restrictions have been in place since 20 March (inwards) and 25 March (outwards). Policy settings are reviewed regularly in line with the advice of the Australian Health Protection Principal Committee (AHPPC).

Overview

The travel exemption process has gone from an emergency response in February and March to a high volume business process, with strong expectations from clients and key stakeholders about responsiveness and transparency. Decisions to approve exemptions must be balanced against the potential health risks posed to the Australian community by international travel. The Minister for Home Affairs has responsibility for the implementation of Australia's travel restrictions and the travel exemptions process.

Current Situation

From March 2020, travel restrictions have been in place prohibiting travel of all foreign nationals into Australia, and Australian citizens and permanent residents from leaving Australia, unless they fall within certain exempt categories.

The Australian Border Force (ABF) Commissioner or authorised decision makers may consider additional exemptions from travel restrictions, including for persons with critical skills or with compelling and compassionate reasons to enter or depart Australia. Individual exemption categories are outlined on the Department's website: <https://covid19.homeaffairs.gov.au/travel-restrictions>.

On 24 July 2020, Minister Dutton set processing standards for travel exemptions as follows:

- Inwards applications to be finalised within seven days,
- Outwards applications to be finalised within 48 hours.

Delivery to standards has been consistently maintained since mid-August 2020.

In the week ending 13 December, 99.50 per cent of Outbound requests and 98.38 per cent of Inbound requests were finalised within service standards. As at 5pm, 18 December 2020, 204,724 Outwards travel exemption requests and 192,921 Inwards travel exemption requests have been received.

On 17 September 2020, the *Commissioner's Inwards Decision making statement*, *Commissioner's Guidelines* and two Operational Directives were published on the Department's website to increase

OFFICIAL

transparency about the exemption assessment process and decision making. Version three of the Commissioner's Guidelines was published on 14 December 2020.

Travel exemption guidelines and policy settings are reviewed as circumstances in relation to the COVID-19 pandemic evolve. Recent updates include changes to the critical skills considerations relevant for travel exemption assessments, to align with the Government's priorities to support Australia's economic recovery from the impacts of the pandemic.

Legislation Framework

Inwards travel restrictions are implemented through policy, and relate to people who are neither citizens nor permanent residents (or their immediate family). Non -citizens travelling to Australia who are not exempt may be considered for visa cancellation under s116(1)(e) of the *Migration Act 1958* (the Act) on the basis that they may present a health risk,.

On 25 March 2020, the Minister for Health, the Hon Greg Hunt MP, issued the *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* (the Overseas Travel Restrictions) to give effect to the outbound travel ban which commenced at midday on 25 March 2020.

Outlook

Australia's travel restrictions policy settings will continue to evolve throughout 2021 to support Australia's recovery from the COVID-19 pandemic and a phased reopening of international borders. Most significant travel exemption policy changes have been oversighted by or determined through the National Security Committee of Cabinet. This policy approach is expected to continue.

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Managing the safe return of Australians

Key Highlights

On 5 March 2020, the Government activated the National Coordination Mechanism in response to the spread of COVID-19.

At the Prime Minister's request, on 21 September 2020, DFAT established a taskforce to Assist Australians to Return. The Department through the National Coordination Mechanism is supporting this taskforce through the Managing Returns Working Group.

Overview

Bringing Australians home, especially vulnerable Australians, continues to be the Government's priority. Around 430,000 Australians (including Permanent Residents) have travelled to Australia since the Government recommended that people reconsider the need to travel abroad. The Government has assisted over 35,700 Australians to return from overseas since March 2020 on over 500 flights.

States and territories are continuing to work towards enabling more Australians to return by increasing the caps on international passenger arrivals. However, the caps are in place to enable quarantine levels to be managed to keep Australians across the country COVID-safe.

Current Situation

As at 18 December 2020, around 39,900 Australians overseas are registered with DFAT seeking return to Australia. Registrations continue to increase as the pandemic worsens in various locations overseas, and further restrictions are implemented in many countries worldwide.

Since the Prime Minister's statement on 18 September 2020, more than 53,700 Australians have returned from overseas including more than 20,900 registered with DFAT, of these, over 4,200 were vulnerable.

Government facilitated commercial flights continue to arrive in Australia; to date the government has facilitated 80 such flights. DFAT and Qantas have signed an agreement confirming Phase Two of the government facilitated commercial flights to assist Australians return from overseas. This will provide for additional flights from Europe and India to arrive into Darwin between 29 November 2020 and 21 January 2021.

The Government has supported Howard Spring Quarantine Facility to increase the number of quarantine places available for returning Australians. Negotiations, led by the Department of Health, are continuing with the Northern Territory Government to raise the capacity of the facility to 850 people, up from 500 per fortnight with cohorts arriving on a rolling schedule.

Legislation Framework

The ABF Commissioner has been authorised by Government to consider exemption requests for inwards travel.

OFFICIAL

On 25 March 2020, the Minister for Health, the Hon Greg Hunt MP, issued the *Biosecurity (Human Biosecurity Emergency) (Human coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* (the Overseas Travel Restrictions) to give effect to the outbound travel ban, which commenced at midday on 25 March 2020.

Further information on the ABF response to COVID-19, is available in the ABF Fact Book 2020.

Stakeholders / Forums

The Department continues to support the return of Australians overseas through the Managing Returns to Australia Working Group, hosted by the National Coordination Mechanism.

Outlook

The Government's highest priority is that Australians returning home are not compromised by other international arrivals, noting that 14 day quarantine in designated facilities is the best way to protect Australia from COVID-19. Complementary activities that are essential to support the economy, such as the entry of non-citizens with critical skills, are able to be considered. However, policies to reopen international arrivals to other cohorts such as international students or for major events cannot reduce the opportunity for Australians wishing to return and they must ensure that the limited hotel quarantine arrangements managed by states and territories for returning Australians are not utilised.

Contact Details

Name: Marc Ablong PSM
Deputy Secretary National Resilience and Cyber Security

Contact: [02 s. 22\(1\)\(a\)\(ii\)](#)
[s. 22\(1\)\(a\)\(ii\)](#) @homeaffairs.gov.au

Protecting our staff

Key Highlights

A dedicated departmental COVID-19 Taskforce (taskforce) has ensured staff health and safety while maintaining the ongoing delivery of critical activities in response to the COVID-19 pandemic.

The Department developed and implemented protocols to ensure it can promptly respond to changing state and territory health advice to provide a COVID-safe environment for staff.

The taskforce has facilitated safe return to the workplace for staff in six states and territories. It is currently transitioning staff back to working from the workplace in Victoria and New South Wales in line with state and territory advice.

Overview

The taskforce was established on 10 March 2020, to provide a coordinated and consistent response across the Department, including ABF and Portfolio agencies to ensure a COVID-safe operating environment for staff and delivery of necessary departmental functions.

Measures in place to support staff throughout the Pandemic include, leave and working from home arrangements, access to Personal Protective Equipment (PPE), installation of sneeze screens in certain client-facing areas and enhanced cleaning services. Staff working in Immigration Detention Centres have received clinical advice and support from the Clinical Advisory Team (CAT) within Health Services Division to ensure these centres remain COVID free. The CAT has provided clinical assurance in a number of operational areas to ensure high levels of hygiene, compliance with the requirements of the state and territory Health Services and effective use of PPE has been maintained.

The Department has developed and is actively maintaining nine protocols, 71 factsheets and guides, 11 posters and six instructional videos to support staff to be COVID safe, including guidance for first aid officers and peer support officers. Additionally, support packs have been developed specifically for each state and territory as staff returned to working in the office and there has been continuous Q&A sessions with the in-house Psychologist and a Medical Officer of the Commonwealth both nationally and by jurisdiction as required.

The taskforce has procedures in place to rapidly respond to COVID-19 outbreaks and/or changes in state and territory health advice and continues to actively monitor this health advice as matters progress. The CAT continues to proactively engage with the Department of Health and State and Territory Health Services to provide health intelligence to inform the Department's activities.

Current Situation

All staff in Queensland, Tasmania, Northern Territory, Western Australia, and South Australia returned to their usual place of work through May and July 2020. Staff in South Australia were temporarily required to

OFFICIAL

work from home from 16 November 2020 to 14 December 2020 in line with directions from the South Australian Government, in response to a cluster of COVID-19 cases. Staff in the Australian Capital Territory returned to their usual place of work on 22 November 2020, following a six-week transition.

Victoria and New South Wales are currently transitioning staff back to work in line with State health advice. In Victoria, from 30 November 2020, 25 per cent of staff returned to the workplace. Further groups of 25 percent are planned to return on 11 Jan, 8 Feb and 1 March 2021 with all staff expected to return by 8 March 2021. In New South Wales, from 14 December 2020, 30 per cent of staff commenced the return to their workplaces. This transition was interrupted by the Avalon (Sydney Northern Beaches) cluster on Friday 18 December and further groups of 30 per cent will follow on a weekly basis during January 2021, in line with State health advice. Staff are expected to return to work over a four-week period once transition resumes.

The CAT continues to provide clinical travel risk assessments in relation to staff undertaking essential travel to ensure the clinical risk is considered prior to the travel taking place in light of geographical COVID-19 patterns and levels of contagion.

Contact Details

Name: Cheryl-anne Moy
Deputy Secretary/Chief Operating Officer
Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

THE DEPARTMENT OF HOME AFFAIRS

STRATEGY AND LAW ENFORCEMENT

Group overview and priorities

Overview

The Strategy and Law Enforcement Group is comprised of four Divisions:

Law Enforcement Policy Division develops legislation on law enforcement and intelligence issues, and advises on law enforcement policy. The Division's priorities for 2021 include:

- Supporting passage of the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020, which provides the AFP and ACIC with powers to combat serious crime on the dark web.
- Developing a new Electronic Surveillance Act to replace the powers that are currently divided between the Telecommunications (Interception and Access) Act 1979, the Surveillance Devices Act 2004 and parts of the Australian Security Intelligence Organisation Act 1979.
- Supporting passage of the Telecommunications Legislation Amendment (International Production Orders) Bill, to introduce a framework for obtaining telecommunications data directly from US-based providers.

Aviation and Maritime Security Division prevents unlawful interference and regulates the aviation, maritime transport and offshore oil and gas sectors through compliance oversight, industry engagement, policy development and capacity building. In 2021, the Division's priorities include:

- Developing options for a sustainable security screening support model for regional airports.
- Introducing the Screener Accreditation Scheme (scheme) to ensure that a nationally consistent standard of screening is being achieved across the aviation, maritime and air cargo sectors.
- Implementing reforms to the aviation and maritime security identification card schemes to introduce criminal intelligence into the background checking process.

Strategy Division provides strategic guidance and advice across the Home Affairs portfolio and drives policy, operations, capability investment and development, and corporate planning. Priorities for Strategy Division in 2021 include:

- Finalisation of the Home Affairs Reform and Reinvestment Strategic Roadmap.
- Development of Strategic Outlook and Strategic Guidance for 2021.
- Provision of support to the whole of government efforts to reopen international borders through the implementation of a 'biosecure borders' policy framework.

Data Division supports the Department and the Australian Border Force to make well-informed and insightful decisions through the use of data and analytics, and oversees and supports Freedom of Information (FOI) activities and Records Management activities. Data Division priorities include:

- Supporting Government requirements for data to model, monitor and measure the impact of portfolio programs.

OFFICIAL

- Ongoing transition to improved data management through implementation of the Department's Data Operating Model (DOM).
- Reviewing FOI processes and practices to identify and implement performance improvements in order to better anticipate and meet public demand for information.

Contact Details

Name: Cath Patterson
Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Transport Security

Key Highlights

Australia has a strong and comprehensive transport security system, however the transport sector remains an attractive and enduring target for terrorism. The Aviation and Maritime Security Division regulates the aviation, maritime and offshore oil and gas sectors to prevent unlawful interference with aviation and maritime assets.

Overview

Through effective compliance oversight, industry engagement, policy development and capacity building, the Department contributes to the security of Australia, Australians and Australian interests both domestically and internationally.

Current Situation

Due to the significant impact on Australia's transport sector caused by COVID-19, the Department has comprehensively recalibrated its National Compliance Plan to focus compliance effort on emerging security risks and challenges created by COVID-19 while continuing to target operational resources to those activities that have the most impact on improving transport security.

On 19 December 2020, the *Aviation Transport Security Amendments (Security Controlled Airports) Regulations 2019* commenced. The amendments introduced a new risk based and proportionate aviation security framework and screening threshold, based on aircraft seating capacity rather than weight. Under the new aviation security framework, more passengers will be security screened, with fewer airports required to conduct screening. This strengthens aviation security outcomes while reducing the regulatory burden on small, low-risk airports.

From 1 July 2021, domestic air cargo loaded onto regulated aircraft departing all Australian airports must have been examined at the piece-level for unauthorised explosives. These requirements build on previous measures introduced for the piece-level examination of all export air cargo and domestic air cargo departing Adelaide, Brisbane, Melbourne, Perth and Sydney airports introduced on 1 March 2019 and 1 July 2020 respectively. The Department continues to engage closely with the air cargo security industry to ensure these measures will be implemented.

In 2021, the Department will introduce the Screener Accreditation Scheme (scheme) to ensure that a nationally consistent standard of screening is being achieved across the aviation, maritime and air cargo sectors. The scheme will establish a national framework for the education, training and testing requirements for aviation and maritime screeners and air cargo examination officers.

The *Security Legislation Amendment (Critical Infrastructure) Bill 2020* is currently progressing, through Parliament with implications for the transport security sector. The Department is working with industry peak bodies, existing regulators, state and territory governments, and critical infrastructure entities to co-design the compliance model for the aviation and maritime transport sectors.

OFFICIAL

The Department will continue to implement a range of major reforms to the aviation and maritime security identification card (ASIC and MSIC) schemes, including the expansion of the ASIC and MSIC schemes to combat serious crime and introduce criminal intelligence into the background checking process, following the passage of the *Transport Security Amendment (Serious Crime) Bill 2020* (currently in the Senate).

Legislation Framework

Transport Security within the Department is governed by the *Aviation Transport Security Act 2004* (ATSA), *Aviation Transport Security Regulations 2005* (ATSR); *Maritime Transport and Offshore Facilities Security Act 2003* (MTOFSA) and *Maritime Transport and Offshore Facilities Security Regulations 2003* (MTOFSR).

Stakeholders / Forums

The Department regulates a range of transport security industry stakeholders, including airlines, airports, cargo facilities, logistics providers, port operators, port facilities, ship operators and offshore oil and gas industries. Key forums include the Aviation Security Industry Advisory Forum, Regional Aviation Security Advisory Forum, Air Cargo Security Industry Advisory Forum, International Civil Aviation Regional Aviation Security Coordination Forum – Asia Pacific, Maritime Industry Security Consultative Forum and the Oil and Gas Security Forum.

Contact Details

Name: Cath Patterson
Deputy Secretary, Strategy and Law Enforcement Group

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Transnational, Serious and Organised Crime

Key Highlights

Transnational, Serious and Organised Crime (TSOC) is a pervasive national security threat, causing immense and enduring harm. TSOC groups operate as sophisticated, multinational businesses focused on business streams and revenue. The Portfolio plays a critical role in bringing together the policy and operational arms of government to combat TSOC.

Overview

TSOC threatens the safety, security and trust of citizens and undermines our sovereignty, democracy and economy. Despite significant national efforts, the picture is worsening. Criminal groups are now sophisticated, international businesses – 70 per cent of Australia's serious criminals are based offshore or have strong offshore links. TSOC groups use professional facilitators and technology to structure their businesses, stay anonymous and launder dirty money. TSOC is estimated to cost Australia up to \$47.4 billion annually, but the broader social and economic impacts are immeasurable.

Current Situation

Sophisticated TSOC groups make high profits from; **illicit commodities** – illicit drugs alone net over \$9.6 billion annually; organised **fraud** targeting individuals, businesses and government with returns estimated at over \$8.6 billion annually, and **crimes against the person**, via human trafficking, slavery and child sexual abuse – particularly online which is seeing exponential growth (reports to the Australian Centre to Counter Child Exploitation increased by 122 per cent between April and June 2020, compared to the same period in 2019).

The Home Affairs Portfolio leads Australian Government efforts to detect, deter and respond to TSOC. The Department provides a coordinated policy lead, while the ACIC and AUSTRAC provide crucial intelligence. This intelligence informs the operational functions of the AFP and ABF.

TSOC during COVID-19

COVID-19 had a short-term disruptive effect on TSOC, but most criminal groups have adapted. Stable and enduring risks include money laundering and illicit drug trafficking. Increasing risks include fraud, cybercrime (including scams), child sexual abuse (online and contact offending), domestic and family violence, and modern slavery.

Stakeholders / Forums

Addressing TSOC requires a broad range of stakeholders, including all Portfolio agencies, states and territories, the private sector and academia. Key forums are: the Criminal Justice and Law Enforcement Forum – chaired by the Department and comprising agency heads from 17 Commonwealth agencies with

a role in addressing TSOC; and the national Australian Transnational, Serious and Organised Crime Committee – comprising senior officials from law enforcement and justice agencies, and charged with implementing the National Strategy to Fight Transnational, Serious and Organised Crime.

Outlook

The Department provides critical policy and legislative support to the portfolio to harden Australia as a target for TSOC actors and attack the criminal business model.

Key areas of Portfolio interest are:

- Penetrating the Darkweb – the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020, forms part of the Government's cyber security strategy and would provide the AFP and ACIC with powers to combat serious crime on the dark web, and in circumstances where anonymising technology is making detection and investigation of serious crime increasingly difficult.
- Modernised ABF powers – the ABF's legislative framework is not well-adapted to a modern, integrated border agency. The Department is working with the ABF to give ABF has the necessary tools to perform its functions.
- Enhanced anti-money laundering and counter-terrorism financing (AML/CTF) legislation – Money laundering is a key enabler of TSOC. Private sector reporting allows AUSTRAC to produce financial intelligence for law enforcement investigations. Phase 2 of AML/CTF reforms will simplify and streamline the current highly complex regime. The Department is also considering how to manage the risks from casino junket tours, which AUSTRAC have shown to pose a high money laundering and terrorist financing risk.
- ACC Act Review – Mr Michael Keelty AO, has conducted the 2020 independent review of the ACC Act.
- Use of criminal intelligence for ASICs and MSICs – the Transport Security Amendment (Serious Crime) Bill 2020 (the Bill) was introduced into Parliament in 2019 and is currently in the Senate. The Bill introduces a new purpose for the Aviation Transport Security Act 2004 and the Maritime Transport and Offshore Facilities Security Act 2003 to prevent the use of aviation and maritime transport or offshore facilities in connection with serious crime.

Contact Details

Name: Cath Patterson
Deputy Secretary, Strategy and Law Enforcement Group

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Current engagement with the Parliamentary Joint Committee on Intelligence and Security

Key Highlights

The Department is currently leading engagement with the Parliamentary Joint Committee on Intelligence and Security (PJCIS) on a number of inquiries into recently introduced national security legislation and other national security matters.

Overview

The Department is leading on a number of inquiries currently before the PJCIS and is preparing a Government response to one recently completed inquiry. The Department expects further legislation to be referred to the PJCIS in the first half of 2021. The Department's engagement with the PJCIS has been productive and in most cases, PJCIS recommendations have enabled the timely passage of crucial national security legislation. The Prime Minister wrote to the PJCIS on 21 September 2020 to advise the PJCIS on priorities for the current work program and to note that the Government is considering the PJCIS' request for additional staffing.

Current ongoing PJCIS Reviews

Inquiry into extremist movements and radicalism in Australia

On 9 December 2020, the Minister for Home Affairs referred terms of reference to the PJCIS for an inquiry into extremist movements and radicalism in Australia. The Department is currently preparing a submission. Submissions close on 12 February 2021. We expect the PJCIS will then hold hearings.

Inquiry into Dark Web Law Enforcement Powers

On 8 December 2020, the Minister for Home Affairs referred the recently introduced Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020 to the PJCIS for review. This Bill proposes new powers for the AFP and the ACIC to combat serious crime online, including on the dark web. The Department is working with the AFP and ACIC, and the Australian Signals Directorate, to prepare a submission to the review. Submissions close on 12 February 2021. We expect the PJCIS will then hold hearings.

Inquiry into Critical Infrastructure Amendment Bill

The Security Legislation Amendment (Critical Infrastructure) Bill 2020 was introduced on 10 December 2020 and will provide an enhanced critical infrastructure security regime. The Bill was referred to the PJCIS on 11 December 2020 by the Attorney-General, with a report sought by the end of the Autumn Sitzings of 2021. Dates for submissions and hearings are yet to be provided.

Integrity Measures Review

On 10 December 2020, the Attorney-General referred the Intelligence Oversight and Other Legislation Amendment (Integrity Measures) Bill 2020 to the PJCIS for review. Among other things, the Integrity Measures Bill proposes to expand the oversight of the Inspector-General of Intelligence and Security to the intelligence functions of the AUSTRAC and the Australian Criminal Intelligence Commission; and expand the oversight of the PJCIS to the intelligence functions of AUSTRAC. The Department plans to make a submission in February 2021. Submissions close on 12 February 2021. We expect the PJCIS will then hold hearings.

Inquiry into Extended Supervision Orders Bill

The Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020 was introduced on 3 September 2020 and will provide for the post-sentence supervision of high risk terrorist offenders released into the community. The Attorney-General referred the Bill to the Committee. The Department, Attorney-General's Department and AFP provided a submission and appeared at the public hearing for the inquiry. The PJCIS has not yet finalised its review of the Bill.

Inquiry into declared areas

The PJCIS commenced an inquiry to review the operation, effectiveness and implications of the declared areas provisions. The Department, AFP, ASIO, Department of Foreign Affairs and Trade, and the Commonwealth Director of Public Prosecutions appeared at the public hearing for the inquiry. The PJCIS are due to report by 7 January 2021. The provisions sunset on 7 September 2021.

Inquiry into AFP powers

The PJCIS commenced an inquiry to review the operation, effectiveness and implications of police powers in relation to terrorism, control orders, preventative detention orders and the high risk terrorist offender's regime. The Department, Attorney-General's Department and AFP provided a submission and appeared before public hearing for the inquiry. The Department appeared at two additional hearings. The PJCIS are due to report by 7 January 2021. The provisions sunset on 7 September 2021.

Inquiry into International Production Orders Bill

The PJCIS is reviewing the effectiveness of the Telecommunications Legislation Amendment (International Production Orders) Bill 2020. The Bill proposes a legislative framework for Australia to give effect to future bilateral and multilateral agreements for cross-border access to electronic information and communications data, such as that being negotiated with the United States for the purposes of the US Clarifying Lawful Overseas Use of Data Act (CLOUD Act). Submissions for the review closed in April 2020, however the PJCIS has not yet reported. The PJCIS must complete its review in order for Parliament to pass the Bill to

OFFICIAL

enable Australia to enter the US CLOUD Act agreement. The Department has supported the PJCIS review through submissions and public hearings.

Inquiry into Assistance and Access Act

The PJCIS was due to complete its third review of the Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018 (the Act) by 30 September 2020, however has not yet handed down its report. The Act introduced key reforms to help our agencies operate effectively in the digital era, in particular to access the evidence and intelligence they need by enhancing industry cooperation with law enforcement and security agencies, and improving agency computer access powers. The PJCIS referred aspects of the Act to the Independent National Security Legislation Monitor (INSLM). The INSLM completed his review on 9 July 2020. The Government will consider the findings made by both INSLM, and the PJCIS when it publishes its review of the Act. The Department of Home Affairs has worked closely with Portfolio agencies to support both reviews.

Recently completed PJCIS Reviews

Inquiry into Data Retention Scheme

The Department is currently considering the Government response to the PJCIS's report (released on 28 October 2020) on the mandatory [meta] data retention regime in the Telecommunications (Interception and Access) Act 1979. The report made 22 recommendations, focussing on lifting thresholds for access to telecommunications data and strengthening the oversight and accountability built into the regime. All of the recommendations are within the Department of Home Affairs' responsibility, except for three: two relating to the Telecommunications Act 1997 and one relating to the Privacy Act 1988. The Department is working with law enforcement and national security agencies (including state and territory agencies) as well as the Department of Infrastructure, Transport, Regional Development and Communications and the Attorney-General's Department to prepare the response.

Outlook

The Department will continue to support the important work of the PJCIS through engaging with all relevant reviews, through providing submissions and appearing at hearings, and preparing Government responses to PJCIS findings.

Contact Details

Name: Cath Patterson
Deputy Secretary, Strategy and Law Enforcement Group

Contact: [02 s. 22\(1\)\(a\)\(ii\)](#)
[s. 22\(1\)\(a\)\(ii\)](#)@homeaffairs.gov.au

Home Affairs Reform and Reinvestment Strategic Roadmap

Key Highlights

The Home Affairs Reform and Reinvestment Strategic Roadmap (the Roadmap) will provide Government with a prioritised set of capability investment options to support the efficient delivery of the Home Affairs Portfolio's responsibilities over the next decade.

Overview

The Home Affairs Portfolio (the Portfolio) was established to achieve stronger and more integrated domestic security strategy, policy and operations.

The Portfolio continues to:

- achieve an integrated and seamless approach across the Portfolio;
- provide efficiencies through scale and elimination of duplication; and
- reinvest in new capability to meet the security challenges of the future.
- The purpose of the Roadmap is to provide Government with:
 - a view of the Portfolio's strategic operating environment, threats and any capability gaps;
 - an integrated, prioritised and phased set of capability investment options to meet existing and emerging challenges and opportunities over the coming ten years; and
 - a more structured approach to the Portfolio's investment through enhanced governance arrangements and a portfolio operating model.

Current Situation

The Department is engaging across the Portfolio to prepare a long term, strategic view of future capability needs in the Portfolio, their relative priority and an indicative phasing pathway. Portfolio Capability Managers have developed capability investment proposals, which are being integrated, prioritised and phased across ten years.

Stakeholders / Forums

The Roadmap is primarily an internally focused process, to provide Government a long-term view of capability investment options.

OFFICIAL

Outlook

The Roadmap is likely to include investment proposals related to your portfolio, in the areas of immigration, citizenship, settlement and social cohesion.

Contact Details

Name: Cath Patterson

Deputy Secretary, Strategy and Law Enforcement Group

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Freedom of Information

Key Highlights

The Department receives the largest volume of Freedom of Information (FOI) requests of any Australian government agency, representing around 45 per cent of all FOI requests made to all Commonwealth agencies.

In Financial Year 2019-20, the Department received 17,563 requests, and finalised 16,590 requests. Approximately 95 per cent of FOI requests received by the Department are from individuals seeking to access their personal information, in relation to their visa and citizenship applications. The other 5 per cent of FOI requests include requests that would “inform debate on a matter of public importance” or “promote effective oversight of public expenditure”, including about immigration and citizenship programs, immigration detention and community programs. Your office will receive email notifications of the Department’s intention to release information in response to these requests three days prior to the Department doing so.

On 11 December 2020, the Information Commissioner advised the Department of the outcome from her investigation into delays with the Department’s processing of non-personal FOI requests (which she commenced on 25 October 2019). The Investigation Report (the Report) includes four recommendations. The Department has until 8 January 2021 to respond to the Report before it is published.

Overview

Under the *Freedom of Information Act 1982*, the Department is required to make a decision on the release of information in response to a valid FOI request within 30 calendar days. Due to the sheer volume of requests received, the Department is, as at 30 September 2020, finalising 62 per cent of requests within statutory timeframes.

The Department processes all requests for information, including those outside statutory timeframes, and has introduced measures in order to finalise more requests within statutory timeframes. This will include the Information Commissioner’s recent recommendations following the outcome of her investigation into the Department’s processing times of non-personal requests.

Current Situation

The Department has introduced a number of measures since October 2019 to increase the volume of FOI requests that it processes within statutory timeframes, including temporary redeployment of staff to the FOI Section; publishing frequently-requested statistics; and enhancing internal management reporting.

Non-personal caseload

In 2019-20, the Department finalised more than double the number of requests for *non-personal* information compared to 2018-19 (1,789 compared to 870).

In July-September 2020, the Department finalised 2.4 times the number of *non-personal* requests than in July-September 2019 (626 compared to 262).

Personal caseload

In 2019-20, the Department finalised 5 per cent fewer requests for *personal* information compared to 2018-19 (14,798 compared to 15,574).

In March and April 2020, the Department's capacity to finalise *personal* requests was adversely affected by COVID with some staff temporarily redeployed to help respond to COVID and others temporarily not able to access certain software remotely.

In July-September 2020, the Department finalised 9 per cent more *personal* requests than in July-September 2019 (4,546 compared to 4,177). This is due to the temporary redeployment of additional staff to the FOI Section.

Demand for access to non-personal information has continued to increase while the demand for personal information has decreased since March 2020. In July-September 2020, the Department received 19 per cent *more* requests for *non-personal* information than in July-September 2019 (529 compared to 431). In July-September 2020, the Department received 26 per cent *fewer* requests for *personal* information than in July-September 2019 (3,684 compared to 4,900).

The deliberate allocation of more resources to processing backlog requests means that the reported proportion of decisions made in-time is lower as a result.

Legislation Framework

The Department receives and assesses requests made for documents and the amendment of personal information under the *Freedom of Information Act 1982*.

The Department will provide you and your office the power to make decisions under the *Freedom of Information Act 1982* under an Instrument of Authorisation, to be prepared in January 2021.

Stakeholders / Forums

The Office of the Australian Information Commissioner (OAIC) is the independent national regulator for privacy and FOI. The OAIC has powers to investigate and conduct external review of Departmental decisions.

The Department receives FOI requests from a wide and diverse group of stakeholders, including visa/citizenship applicants, people in immigration detention, journalists, Members of Parliament, individuals working for community/interest groups, businesses, members of the public, and its own Departmental staff.

Outlook

The Department continues to implement process improvements to reduce its backlog and improve its compliance with the 30 day legislated timeframe for decisions required by the *Freedom of Information Act 1982*.

OFFICIAL

Attachments

Attachment A: Freedom of Information section - Key Statistics

Contact Details

Name: Cath Patterson
Deputy Secretary Strategy & Law Enforcement

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:02@homeaffairs.gov.au)

Freedom of Information section – Key Statistics to 30 November 2020

FOI	2018-2019	2019-2020	2020-2021 (to 30 Nov 2020)
Access requests received			
• Total	17,771	17,560	6,748
• Personal	16,862	15,674	5,805
• Non Personal	909	1,886	943
Access requests finalised			
• Total	16,444	16,587	7,806
• Personal	15,574	14,798	6,811
• Non Personal	870	1,789	995
Requests finalised outcomes			
• Released in full	9,401 (57.2%)	8,194 (450%)	3,429 (44%)
• Refused/exempt in part	5,375 (32.7%)	5,144 (31%)	2,923 (37%)
• Refused/exempt in full	902 (5.5%)	1,438 (9%)	796 (10%)
• Other (includes invalid, withdrawn, transferred)	766 (4.6%)	1,811 (11%)	658 (8%)
Access decisions made in-time <i>(as a proportion of access decisions made in the same period as per OAIC guidelines)</i>			
• Total	74%	66%	60%
• Personal	76%	69%	60%
• Non Personal	47%	44%	64%
Request for review of Home Affairs Decisions by OAIC			
Received by OAIC	187	235	128
Finalised by OAIC	122	178	95
Outcome			
• Overturn or varied	7	5	0
• Outcome affirmed	4	4	1
• Other (includes invalid, withdrawn or discretion not to review exercised)	108	163	30
FOI Section ASL (FTE)	74.3	73.9	77.9

Establishment of the Office of the Special Investigator

Key Highlights

The Inspector-General of the Australian Defence Force (IGADF) conducted an inquiry into possible breaches of the Laws of Armed Conflict by members of the Australian Defence Force (ADF) in Afghanistan. The inquiry identified a number of matters involving allegations of serious, and potentially criminal, misconduct.

On 12 November 2020 the Prime Minister, with the Minister for Defence, announced that a new investigative body, the Office of the Special Investigator (the Office), would be established within the Home Affairs Portfolio to triage and investigate the findings from the inquiry.

On 10 December 2020 the Governor-General signed the Order to establish the Office as an Executive Agency to commence on 4 January 2021.

On 16 December 2020 the Government announced the following key roles:

- Director-General: Mr Chris Moratis PSM
- Special Investigator: The Hon. Mark Weinberg AO QC
- Director of Investigations: Mr Ross Barnett APM

Overview

The Office will review, triage and investigate the findings of the IGADF inquiry, and refer any evidence of alleged criminal offences by Australian Defence Force personnel in Afghanistan from 2005 to 2016, including breaches of the Laws of Armed Conflict, to the Commonwealth Director of Public Prosecutions (CDPP) for prosecution under Australian Law.

Current Situation

The Department is responsible for the administration and establishment of the Office within the Home Affairs Portfolio, and has set up a Taskforce for this purpose. Once the Office is established, the Department will provide ongoing corporate support services.

The Department will not be involved in the Office's investigative activities. The Office will draw from the AFP's pool of experienced investigators and seconded state and territory police officers.

Legislation Framework

On 10 December 2020, the Governor-General approved an Executive Council Order to establish the Office as an Executive Agency under section 65 of the *Public Service Act 1999*. The Order will commence on 4 January 2021. The Office will be a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*.

The Director-General has been appointed as the Accountable Authority responsible for budget and appropriation pursuant to Schedule 1 of the Public Governance, Performance and Accountability Rule 2014.

OFFICIAL

The Director of Investigations will be appointed as a special member of the AFP and will be able to exercise police powers in accordance with s 40C of the *Australian Federal Police Act 1979*. State and territory police seconded to the AFP will also be appointed as special members of the AFP and will deploy to the Office to assist with its investigation.

Triage

Some of the evidence obtained by the IGADF will have been obtained under compulsion and without rights such as the privilege against self-incrimination. Material derived from such evidence may not be used in any prosecution of those who would otherwise have a privilege available. The investigation will commence with a siloed triage team managing information so that evidence which might prejudice a fair trial is quarantined from the people and information involved in criminal investigation and proceedings.

Stakeholders / Forums

The Department is working closely with the Director-General Designate, Mr Chris Moraitis PSM, Special Investigator Designate, the Hon Mark Weinberg AO and Director Investigations Designate, Mr Ross Barnett APM to organise administrative arrangements for the Office. The Department is working with the AFP on staffing the triage and investigation functions of the Office and with the IGADF in relation to the transfer of information to the Office.

Outlook

The Minister for Home Affairs, the Hon Peter Dutton MP, has primary ministerial responsibility for the Office and administrative decisions in relation its establishment have been settled among relevant ministers.

s. 34(3)

The measure *Office of the Special Investigator establishment* was announced in the 2020-21 Mid-Year Economic and Fiscal Outlook (MYEFO) context.

Contact Details

Name: Cath Patterson
Deputy Secretary Strategy and Law Enforcement Group

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

SOCIAL COHESION AND CITIZENSHIP

Group overview and priorities

Social Cohesion and Citizenship Group is responsible for counter-terrorism, countering foreign interference, citizenship and social cohesion which encapsulates multicultural affairs, community engagement and countering violent extremism. The Group is comprised of four Divisions:

The Counter-Terrorism Coordination Centre's key areas of focus are Sunni and right wing extremism and the release from prison of high risk terrorist offenders. The Centre works closely with State and Territory Governments, businesses and the community. Efforts are focused on challenging violent extremist ideologies; preventing people from becoming terrorists; working with international partners; disrupting terrorist activity within Australia; and implementing effective response and recovery arrangements.

The Counter Foreign Interference Coordination Centre coordinates Australia's whole-of-government efforts to develop approaches to deter and prevent foreign interference in Australia, this includes making Australians more resilient against the threat of foreign interference and better informed to prevent it. The Minister for Home Affairs retains primary responsibility for counter-terrorism and countering foreign interference. However, you are responsible for progressing a number of initiatives related to broader efforts to counter terrorism and foreign interference, particularly where they intersect with social cohesion and countering violent extremism. Maintaining and promoting a cohesive and inclusive society is a key element of national resilience to terrorism and foreign interference.

Citizenship Division works to achieve the Government's objectives through the effective and efficient delivery of the Citizenship Program and to provide support to non-English speakers to participate fully in Australian society through the provision of interpreter services. In 2019-20, despite the COVID-19 pandemic, more conferral applications were finalised than in any of the previous nine financial years.

The Home Affairs portfolio leads social cohesion policies and programs, supporting Government's priority on keeping Australians together. **Social Cohesion Division** is leading or overseeing the implementation of key elements of the Government's Social Cohesion Strategy, including new and enduring challenges such as: COVID-19 and bushfires during 2020; foreign interference; an increasing number of people who cannot speak English; new technologies creating online echo chambers and spreading malign information; and extremism and radicalisation.

Our inclusive national identity and shared liberal democratic values underpin our success and resilience in a dynamic and challenging security environment. You will drive the implementation of the Government's social cohesion initiatives, including the 2020-21 Budget's \$62.8 million package.

Citizenship Program, including Citizenship Ceremonies

Key Highlights

For many migrants, Australian citizenship is celebrated as the end-point to the permanent migration journey. Australian citizenship is a privilege involving reciprocal rights and responsibilities, and a continuing commitment to Australia and its people, and Australian values.

The Citizenship Program is central to the Department's strategy towards supporting social cohesion and ensuring a prosperous, secure, united Australia.

Results for the Citizenship Program in 2019-20 demonstrate continued improvement, despite the COVID-19 pandemic.

Overview

The *Australian Citizenship Act 2007* (Citizenship Act) defines who is, who can become, and who ceases to be an Australian citizen. Applications for Australian citizenship generally fall within four categories: conferral (the most common way of acquiring citizenship, representing about 90 per cent of all applications for citizenship in the current program year), descent, adoption and resumption.

Most applicants for citizenship by conferral are required to meet the general residence requirement, whereby at the time of application, they must have resided in Australia on a valid visa for the past four years, including 12 months as a permanent resident. Applicants must not have spent more than 12 months in total outside Australia during the four year residence period, including no more than 90 days in total outside Australia during the permanent residence period. In 2019-20, despite the COVID-19 pandemic, more citizenship by conferral applications were finalised (228,323), than in any of the previous nine financial years.

Australian citizenship ceremonies fulfil the legal requirements for the acquisition of citizenship by conferral under the Citizenship Act and the *Australian Citizenship Regulation 2016* (Citizenship Regulation). The *Australian Citizenship Ceremonies Code* is the guidance document provided to organisers of Australian citizenship ceremonies (generally local government councils), which outlines the legal and best practice requirements of hosting citizenship ceremonies.

Current Situation

2019-20 Citizenship Program outcomes

Results for the Citizenship Program in 2019-20 as follows:

- 228,323 conferral applications were finalised in 2019-20, a 43 per cent increase when compared to 2018-19.
- 146,724 citizenship tests were administered in 2019-20, a two per cent increase on 2018-19.
- 204,817 people acquired Australian citizenship (by conferral) in 2019-20, a 60 per cent increase on 2018-19 and the highest number on record.

OFFICIAL

- Australia Day 2020 saw a record number of people become Australian citizens. 25,422 people attended one of over 470 Australian citizenship ceremonies held on 26 January 2020, compared to 15,137 people who acquired citizenship on Australia Day 2019.

Increase in the on-hand caseload and processing times

High demand from people applying to become citizens by conferral has resulted in an increase in the on-hand caseload, which peaked in July 2018 with 247,659 applications on-hand. Due to business process improvements and increasing staffing, the on-hand caseload had reduced to approximately 113,000 applications in March 2020.

Through the COVID-19 period, the number of new citizenship by conferral applications increased when compared to the pre-COVID period. Continued strong lodgement numbers, combined with citizenship test appointments being placed on hold from 23 March 2020, has led to an increase in the on-hand caseload. As at 30 November 2020, there were 161,843 applications on-hand, including both primary applicants and children under 16 years who are included on their parent's application.

Citizenship test appointments resumed, in a staged way, from July 2020. The Department continues to work on increasing citizenship test availability, to decrease the on-hand caseload and reduce processing times, while ensuring COVIDSafe requirements are met.

Arrangements for citizenship ceremonies on Australia Day 2021

Australian citizenship ceremonies are an important national celebration, with more people becoming citizens on Australia Day than any other day of the year. Preparations for Australia Day 2021 are well progressed, and more than 12,000 people are anticipated to become citizens at approximately 350 citizenship ceremonies across Australia.

Due to COVID-19 social distancing restrictions, some councils have indicated that their Australia Day 2021 ceremony will include fewer conferees than usual. Where it is not possible to hold an in-person ceremony, a small number of councils have indicated they may host an online citizenship ceremony.

On Australia Day 2021, a National Flag Raising and Australian citizenship ceremony will be held on the shores of Lake Burley Griffin, at Rond Terrace, Canberra. The Prime Minister will preside over a ceremony for 20 conferees and the Governor-General will lead the Australian affirmation. The event will be live-telecast by the ABC network. The Governor-General also plans to preside at a separate citizenship ceremony in Wangaratta, Victoria, on the afternoon of Australia Day.

The Department will brief you separately on specific arrangements for Australia Day 2021.

Online citizenship ceremonies

The impact of COVID-19 resulted in changes to the delivery of the Citizenship Program from March 2020. Online citizenship ceremonies were introduced for citizenship by conferral applicants who had

an approved application but were unable to attend an in-person citizenship ceremony to deliver the pledge of commitment (the final step to acquiring Australian citizenship).

From 31 March 2020 to 30 November 2020, more than 91,000 individuals acquired Australian citizenship at online ceremonies. These ceremonies were presided over by departmental officers, Federal Members of Parliament and Senators, and local government council officials.

Complex cases

Complex cases are those in which the applicant cannot readily satisfy certain requirements of the Citizenship Act, for example, by providing reliable identity documents. These cases can take significantly longer than other applications to finalise. As at 31 October 2020, there were 14,046 complex cases on-hand, representing nine per cent of the overall citizenship by conferral caseload.

Stakeholders / Forums

Since 1999, the Department and the National Australia Day Council have worked together to promote Australian citizenship and the concept of active citizenship. Since 2003, the Department has sponsored the Local Hero Award; part of the Australian of the Year Awards. The Local Hero Award was initiated to promote active citizenship and recognise individuals who were making a difference in local communities.

The Department works closely with local government councils across Australia, who are the key vehicle for the delivery of Australian citizenship ceremonies.

The Department's Regional Directors and network of Community Liaison Officers drive engagement with a wide range of cultural, religious and ethnic communities around the country.

They engage with communities around Australia about the Department's key priorities, and provide informed feedback to the Department and Government on community sentiment.

Outlook

As part of its broader social cohesion strategy and focus on Australian values, the Government implemented an updated Australian Values Statement, which came into effect on 30 October 2020; and an updated Australian citizenship test, including new questions on Australian values, which came into effect on 15 November 2020.

Building on this focus on Australian citizenship and values, the Government has agreed to the development of a 'social cohesion campaign' to promote social cohesion, Australian values, citizenship and our inclusive national identity. The first phase of the campaign, to be launched in March 2021, will include a focus on promoting the uptake of Australian citizenship among eligible migrants from countries with lower than average rates of citizenship uptake.

For some cohorts there are significant barriers to taking up Australian citizenship (such as loss of citizenship of country of birth), which are not currently perceived as outweighing by the benefits of Australian citizenship compared to permanent residency. The Department will undertake further analysis of this issue to identify options for your consideration.

Attachments

A: Citizenship Program - Key Statistics

Contact Details

Name: Chris Teal
Deputy Secretary Social Cohesion and Citizenship

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Citizenship Program – Key Statistics

Table 1: Number of people who acquired Australian citizenship via conferral, by top 10 applicant countries of nationality and financial year (1 July 2018 to 30 November 2020)					
2018-19		2019-20		2020-21 (to 30 November)	
Country of nationality	No. of people	Country of nationality	No. of people	Country of nationality	No. of people
India	28,470	India	38,209	India	10,132
United Kingdom	13,364	United Kingdom	25,011	United Kingdom	8,291
Philippines	9,267	China*	14,764	China*	3,943
China*	7,974	Philippines	12,838	Philippines	3,333
Sri Lanka	4,861	Pakistan	8,821	New Zealand	3,071
Vietnam	3,501	Vietnam	6,804	Vietnam	2,556
Pakistan	3,360	Sri Lanka	6,195	Pakistan	2,332
Nepal	3,294	South Africa	5,438	Iraq	2,320
Iraq	3,087	New Zealand	5,367	Afghanistan	2,190
South Korea	3,062	Afghanistan	5,102	South Africa	1,672
Other	47,434	Other	76,268	Other	25,848
Total	127,674	Total	204,817	Total	65,688

* "China" denotes mainland China only and does not include the special administrative regions of Hong Kong and Macau.

This report may differ from previous or future reports due to the use of a dynamic database for current financial year figures.

The Department of Home Affairs must be consulted regarding any requests to use this data for purposes not originally intended or discussed.

Table 2: Number of citizenship applications received 1 July 2016 – 30 November 2020					
Application type	2016-17	2017-18	2018-19	2019-20	2020-21 (as at 30 November 2020)
Conferral	203,793	239,413	138,387	147,001	76,079
Descent	21,334	20,093	19,852	18,690	7,984
Adoption	107	119	96	72	48
Resumption	237	190	196	150	55
Evidence	49,157	45,199	43,838	37,955	9,932

Table 3: Number of citizenship applications on-hand (as at 30 November 2020)	
Application type	2020-21 (as at 30 November 2020)
Conferral	161,843
Descent	6,097
Adoption	31
Resumption	25
Evidence	461

Table 4: Number of Australian citizenship by conferral applications lodged, finalised* and on-hand by financial year (1 July 2010 to 30 November 2020)			
Financial year	Number of applications lodged	Number of applications finalised*	Number of applications on-hand (at end of FY)
2010-11	86,521	95,882	8,967
2011-12	127,383	112,705	23,135
2012-13	168,795	157,553	33,619
2013-14	185,833	192,029	27,037
2014-15	191,001	189,841	28,089
2015-16	196,936	167,688	57,206
2016-17	203,793	153,879	106,950
2017-18	239,413	101,422	244,765
2018-19	138,387	160,117	221,415
2019-20	147,001	228,323	138,219
2020-21 (to 30 November)	76,079	51,893	161,843

* applications lodged in any given financial year are not necessarily finalised within the same financial year.

This report may differ from previous or other reports due to the use of dynamic database in the current financial year.

OFFICIAL

Table 5: Average days from lodgement of a conferral application to application approval*, from approval to acquisition of citizenship, and from lodgement to acquisition, by financial year (1 July 2010 to 30 November 2020)

Financial year	Days from lodgement to approval*	Days from approval to acquisition	Days from lodged to acquisition
2010-11	46	102	149
2011-12	45	89	131
2012-13	63	109	167
2013-14	54	111	169
2014-15	55	110	162
2015-16	72	123	184
2016-17	127	126	235
2017-18	273	110	321
2018-19	410	108	493
2019-20	366	132	518
2020-21 (to 30 November)	315	158	474

* based on cases which were approved in the reported financial years.

This report may differ from previous or other reports due to the use of dynamic database in the current financial year.

The Department of Home Affairs must be consulted regarding any requests to use this data for purposes not originally intended or discussed.

OFFICIAL

Table 6: Current processing times for outcomes between 1 November and 30 November 2020 <i>(as per Department of Home Affairs website)</i>			
Application type	Period counted	Timeframe for 75% of applications	Timeframe for 90% of applications
Australian citizenship by conferral (general eligibility and other situations)	From date of application to decision	14 months	18 months
	From date of approval to ceremony	6 months	9 months
	From date of application to ceremony	19 months	29 months
Australian citizenship by descent	From date of application to decision*	4 months	8 months
Evidence of Australian citizenship	From date of application to decision*	5 days	15 days

*A 'decision' includes applications that have been approved, refused, withdrawn and those that cannot be considered (invalid).

Table 7: Approved citizenship by conferral applicants awaiting ceremonies, by state or territory of residence	
State/territory of residence	No. of approved applicants awaiting ceremony as at 30 November 2020
ACT	1,115
NSW	14,391
NT	431
QLD	9,643
SA	3,639
TAS	384
VIC	3,006
WA	8,326
Other *	144
Total	41,079

* "Other" includes overseas addresses and address information of poor quality which cannot be automatically attributed to a state/territory.

Counter-Terrorism

Key Highlights

While the general terrorism threat level has remained at Probable since 2014, the nature of the threat and technologies used continue to evolve. Key priorities include countering the influence of Sunni and right wing extremism, the challenge presented by released convicted terrorist offenders (13 to be released to 2025) and the influence of the online environment. The Department works closely with State and Territory Governments, including through the Australia New Zealand Counter-Terrorism Committee (ANZCTC), and international partners. Terrorism-related legislation has matured in recent years to provide a range of effective CT measures.

Overview

Australia's approach to counter-terrorism is intelligence led (drawing upon the national security and intelligence community, and State and Territory police) to identify emerging threats and inform appropriate responses. While existing arrangements have proven robust and largely effective, there is a need to constantly review and refine policy and legal settings and capabilities at home and abroad. The complex nature of the threat, requires ongoing coordination efforts both within, and outside Australia.

Current Situation

The current National Terrorism Threat Level is PROBABLE; individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia. Since 2014, there have been eight attacks and 18 major disruptions in Australia, and 118 people have been charged as a result of 56 counter-terrorism operations. Around 70 Australian (and former Australian) men and women are currently in Syria/Iraq and have fought with, or were otherwise associated with Islamist extremist groups which remain in the region.

Legislation Framework

Terrorist acts are crimes dealt with through the criminal justice system. Legislation criminalises terrorist acts and associated activities, outlaws terrorist organisations, and provides powers to Australia's law enforcement and security agencies to counter the threat.

The Minister for Home Affairs has policy and decision-making responsibility for aspects of the Criminal Code, particularly in respect of terrorism-related offences, proscribing terrorist organisations, control orders, preventative detention orders and continuing detention orders.

- The first application for a continuing detention order was made in September 2020 in the Supreme Court of Victoria in relation to Abdul Nacer Benbrika. The matter has been heard and the Court has reserved its decision. The case has generated media coverage.
- Mr Benbrika has also challenged the constitutionality of the continuing detention scheme. That matter was heard in the High Court in December 2020, which has reserved its decision.

OFFICIAL

- There is a bill before the Parliament to provide for extended supervision orders. The bill remains with the PJCIS for review and inquiry.

The Citizenship Act has provisions enabling the Minister for Home Affairs to determine that individuals have ceased to hold Australian citizenship because they have repudiated their allegiance to Australia, including through terrorist conduct.

- To date, 20 individuals have lost their Australian citizenship through their own conduct.

Stakeholders / Forums

Australia's counter-terrorism governance structures are mature and effective. The Commonwealth Counter-Terrorism Coordinator coordinates cross-portfolio policy development and provides a single point of awareness and coordination during a terrorism crisis.

The ANZCTC is the key official-level forum for developing and coordinating consistent approaches to countering terrorism between Commonwealth, State and Territory Governments, and the New Zealand Government. The Government provides approximately \$15 million per year to ANZCTC for training, exercises and equipment.

Outlook

The Parliamentary Joint Committee on Intelligence and Security (PJCIS) has ongoing inquiries on legislation relating to existing AFP powers and declared area provisions that create an offence for a person to enter, or remain in, declares areas of a foreign country. The Government is awaiting the PJCIS report on its priority counter-terrorism legislation, the Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020, introducing a new Extended Supervision Order scheme that places conditions on released terrorist offenders. The Department is currently preparing a joint-agency submission to the PJCIS with the Attorney-General's Department, Department of Foreign Affairs and Office of National Intelligence in relation to its inquiry into extremist movements and radicalism in Australia that will include consideration of Australia's approach to the listing of terrorist organisations and hate speech.

Contact Details

Name: Chris Teal
Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Counter Foreign Interference (CFI)

Key Highlights

Foreign interference continues to present challenges to Australia's sovereignty, values and national interests, at levels which the Director-General of Security has described as unprecedented.

Left unchecked, such interference can damage Australia's democracy and economic interests, undermine trust in our institutions and divide our communities.

Protecting Australia's sovereignty, values and national interests from foreign interference forms the core of Australia's response.

Overview

Chris Teal was appointed the inaugural National Counter Foreign Interference Coordinator in 2018. Since that time, the Government has invested \$145.2 million to bolster Australia's response to foreign interference. This complements a range of other measures, including the creation of new criminal offences, increased transparency around foreign influence-related activities, and guidelines to increase resilience to foreign interference in Australia's university sector.

'Interference' involves coercive, clandestine, corrupting or deceptive activities undertaken by, or on behalf of, foreign actors. This differs from 'influence' by which foreign governments legitimately adopt open, legal and transparent ways to promote their interests. The CFICC works collaboratively across the portfolio, with other federal government agencies, and with state and territory governments to enhance Australia's resilience to foreign interference. We also work closely with international partners, s. 33(a)(iii)

to share information on options to respond to foreign interference and increase opportunities for international cooperation. Maintaining a strong and cohesive society is a key defence against foreign interference s. 33(a)(iii).

Current Situation

s. 47C(1)

. We have made strong progress in creating the legal frameworks to respond to this challenge, increasing awareness of foreign interference and technology transfer risks in relevant sectors, and strengthening resilience in at-risk sectors. In particular, we have made substantial progress in building resilience within Australia's university and research sectors, s. 47E(d)

The Department continues to play a key role in its engagement with state and territory governments, and is leading Australia's engagement internationally with likeminded partners. We have also expanded the National Security Hotline to allow the public, including members of culturally and linguistically diverse communities, to report instances of foreign interference.

More generally, CFICC s. 47C(1)

has coordinated a number of cross-portfolio Cabinet submissions and budget proposals to secure additional funding for relevant security and law enforcement

agencies. This has had a measurable effect on Australia's capacity to respond to acts of foreign interference, and has continued to make the operating environment harder for our adversaries.

Legislation Framework

The Government introduced a suite of legislation in 2018 to strengthen Australia's legal framework to address foreign interference and related risks. This included the creation of new criminal offences and refinements to espionage provisions under the *Criminal Code Act 1995*, the establishment of the Foreign Influence Transparency Scheme, the creation of new critical infrastructure regime through the *Security of Critical Infrastructure Act 2018*, and electoral funding and disclosure reforms. s. 47C(1)

Stakeholders / Forums

The NCFIC chairs a number of forums to coordinate efforts to counter foreign interference at officials' level. This includes: a deputy secretary-level executive board of relevant Commonwealth agencies, to discuss matters relevant to Australia's response; the University Foreign Interference Taskforce Steering Group; and a Senior Oversight Board, which broadly oversees the operation of the operationally-focused CFI Taskforce led by ASIO. s. 33(a)(iii)

. And we lead engagement with state and territory governments on counter foreign interference matters. The CFICC also contributes to the Electoral Integrity Assurance Taskforce, which is jointly led by the Australian Electoral Commission and the Department of Finance.

Outlook

You are jointly responsible for progressing a number of initiatives in early 2021, s. 47C(1)

Contact Details

Name: Chris Teal

Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Social Cohesion and Multicultural Affairs

Key Highlights

Australia's strong social cohesion is critical to our prosperity and security. The Home Affairs Portfolio leads social cohesion policies and programs, supporting Government's priority on keeping Australians together.

Overview

Australia is a cohesive and successful multicultural democracy. Our inclusive national identity and shared liberal democratic values underpin our success and resilience in a dynamic and challenging security environment. Strengthening Australian values and the bonds that keep us together as a nation will enhance our resilience against those who seek to divide and weaken us, including by fostering divided loyalties, ethno-religious intolerance, violent extremism, or distrust in government.

The Portfolio shapes, drives and manages Australia's social cohesion. There are several critical policy intersections within the Portfolio involving social cohesion, multicultural affairs, citizenship, migration, countering violent extremism, terrorism and foreign interference.

Current Situation

Australia's social cohesion is strong but we cannot be complacent in the face of new and enduring challenges: COVID-19 and bushfires during 2020; foreign interference; an increasing number of people who cannot speak English; new technologies creating online echo chambers and spreading malign information; and extremism and radicalisation.

The Government announced in the 2020-21 Budget \$62.8 million in funding over five years from 2019-20 to strengthen Australia's social cohesion and community resilience during the COVID-19 recovery period [This builds on the Government's \$71 million package announced in March 2019]. Funding includes (per Budget Paper 2):

- \$37.3 million over four years to promote Australian values, identity and social cohesion, and counter malign information online
- \$17.7 million over four years to enhance engagement with multicultural communities
- \$7.9 million over four years to establish a research program to inform initiatives to strengthen social cohesion.

A renewed push on Australia's liberal democratic values, including Citizenship, is central to the Government's social cohesion policy and programs. An updated **Australian Values Statement** came into effect on 30 October 2020 and an updated **Australian Citizenship test**, including new questions on Australian values; came into effect from 15 November 2020. Government is taking action to improve English language capability through reforms to the **Adult Migrant English Program (AMEP)**.

The Government's 2017 **Multicultural Statement** reaffirmed its commitment to a multicultural Australia. The Department coordinates agencies' reporting against the Government's **Multicultural Access and Equity Policy** to ensure programs and services meet the needs of all Australians, regardless of their cultural and linguistic backgrounds.

Legislation Framework

There is no social cohesion or multicultural legislation at the Commonwealth level. Responsibility for the *Racial Discrimination Act 1975* sits with the Attorney-General's Portfolio.

Stakeholders / Forums

The **Australian Multicultural Council (AMC)** is a ministerially appointed body of currently 11 members, which advises Government on multicultural affairs, social cohesion and integration policy and programs. The AMC is nearing the end of its three year term: 18 June 2018 to 17 June 2021.

The **Federation of Ethnic Communities Councils of Australia (FECCA)** is the peak body representing culturally and linguistically diverse (CALD) communities. In 2018, the Department entered into a four year funding agreement with FECCA [\$1,692,000 (GST exclusive) for the period 2018-19 to 2021-22]. The grant supports FECCA to represent the views of migrants and CALD Australians to Government and promote inclusive communities, citizenship and understanding of Australian values.

The Department's **Regional Directors** and network of 29 **Community Liaison Officers (CLOs)** drive Government engagement with a wide range of cultural, religious and ethnic communities around the country. The CLO network promotes Government's social cohesion policies and programs and provides feedback to Government on community sentiment and Government information to communities. The Department is enhancing RD/CLO network with the recruitment of 10 additional CLOs with dual language skills (in Mandarin, Cantonese, Arabic and Vietnamese). The network significantly stepped-up engagement in 2020 in response to the COVID-19 pandemic and to strengthen social cohesion.

Outlook

You will drive the implementation of the Government's initiatives to strengthen and safeguard Australia's social cohesion, including the 2020-21 Budget's \$62.8 million package. Key priorities for 2021 include:

- a campaign to promote Australian values, citizenship, and our inclusive national identity;
- reforms to the Adult Migrant English Program (AMEP), to improve levels of English proficiency [Refugee, Humanitarian and Settlement Division is responsible for AMEP reforms]
- deepened community engagement, including through new Community Liaison Officers (CLO) with Arabic, Mandarin, Cantonese and Vietnamese language skills;

OFFICIAL

- further investment to understand and track our social cohesion, including a partnership with the Scanlon Foundation Research Institute.

Contact Details

Name: Chris Teal

Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Countering Violent Extremism (CVE)

Key Highlights

- CVE programs link social cohesion and community resilience objectives and counter terrorism (CT) responses. They focus on preventing violent extremism and terrorism by:
 - Building the resilience of Australian communities to violent extremism
 - Supporting the diversion of individuals at risk of becoming violent extremists
 - Rehabilitating and reintegrating violent extremists.
- Minister Dutton commissioned the Australian Institute of Criminology to undertake a Review of Commonwealth CVE initiatives and framework. The report (not public) will be finalised in early 2021 and will provide practical options to strengthen Australia's approach to CVE.

Overview

Australia's approach to CVE is designed to address all drivers of violent extremism. It involves all levels of government, along with a number of private sector and non-government organisations.

The governance of CVE in Australia sits within the Australian-New Zealand Counter Terrorism Committee (ANZCTC). The Department works collaboratively through this body with states and territories to:

- constrain the circulation of extremist materials;
- provide positive narratives to counter the appeal of extremism;
- disengage people from violent extremism; and
- rehabilitate and reintegrate violent extremist offenders.

State and territory governments have responsibility for the day-to-day operation of the principal CVE intervention program, *Living Safe Together*, through which they marshal policing, health, social welfare, and educational capabilities to coordinate and deliver the program.

Initiatives

Since 2013-14, the Government has invested more than \$61 million to support programs to counter violent extremism. In 2020-21, the Government has allocated just over \$8 million in new funding for CVE activities including:

- \$3 million to support states and territories deliver CVE disengagement activities under the *Living Safe Together* Intervention Program.
- Over \$3 million to combat terrorist propaganda online, including identifying extremist material for take down.
- \$2 million for CVE research, training and capabilities through the ANZCTC.

Living Safe Together Intervention Program

Australia's national CVE intervention program, *Living Safe Together*, aims to reduce the risk of violent extremist incidents occurring in Australia by identifying at-risk people and referring them to support and disengagement services. The program has been designed to address all types of violent extremism.

Participation in the program is voluntary. Participants undergo targeted, individualised case management plans, which have a strong emphasis on reconnecting them to positive role models, families and communities. A dedicated Intervention Coordinator in each jurisdiction supports the assessment of individuals and building tailored treatment programs.

- As at 30 September 2020, there were 55 participants in the program nationally (65 per cent relate to Islamist extremism; 22 per cent to Right-wing extremism; and 13 per cent to single issue motivated extremism). Jurisdictions prefer to not disclose publicly the total number of participants.

Countering violent extremism online

The Department counters terrorism and violent extremism online in three ways.

- Identifying and referring terrorist and violent extremist content to social media platforms for removal in line with their terms of service policies.
- Undertaking strategic communication activities to promote alternatives to extremism:
 - RAPT!: a FaceBook and Instagram account for young Muslim audiences that has content showcasing positive messages and narratives.
 - DigiEngage: a two-day event in partnership with digital industry to empower young people to identify and challenge online extremism (terminated FY 19/20).
 - CommUNITY: social media training to help people understand and counter divisive narratives online (terminated FY 19/20).
- Advocating to deepen international norms and support the development of common industry standards to counter terrorist and violent extremist content online. This includes:
 - The Christchurch Call to Action, that brings together governments and online service providers through voluntary measures.
 - Working with the Organisation for Economic Cooperation and Development, international partners, digital industry companies and civil society organisations to develop Voluntary Transparency Reporting Protocols.

Legislation Framework

Australia's CVE intervention programs are not supported by a legislative framework. Participation is voluntary.

Following Christchurch, Australia legislated new laws to prevent the misuse of online platforms. The *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* came into effect in April 2019. It introduced new offences to ensure that internet, hosting or content service providers expeditiously remove abhorrent violent material able to be accessed in Australia.

Stakeholders / Forums

As CVE is a joint responsibility between governments, efforts are directed through the Countering Violent Extremism Sub-Committee (CVESC) under the ANZCTC. It is responsible for providing expert strategic and policy advice on the development and maintenance of a CVE capability in order to achieve best practice.

Outlook

In March 2020, the Prime Minister wrote to the Minister for Home Affairs asking that a Review of Commonwealth's CVE initiatives be undertaken.

- The Australian Institute of Criminology is examining national CVE initiatives to ensure they are delivering on their intended purpose and able to adapt to new challenges and threats.
- It will be finalised in early 2021. Recommendations from the review will inform advice to government on ways to strengthen Australia's approach to CVE.

The Department is strengthening CVE programs to ensure they continue to address the threat of right-wing extremism. The Department is also considering options to ensure greater national consistency in the capabilities of correctional systems to address threats among current and post-release offenders.

Australia's CVE programs will form part of the focus of the upcoming Parliamentary Joint Committee on Intelligence and Security Inquiry into extremist movements and radicalism in Australia.

Contact Details

Name: Chris Teal

Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

IMMIGRATION AND SETTLEMENT SERVICES

Group overview and priorities

Overview

ISSG is responsible for the administration of Australia's permanent and temporary immigration programs, including the Refugee and Humanitarian Program, provision of settlement support to refugees, English language training and testing for migrants, and provision of the Department's client call centre, help desks and websites. It processes visas in six State and Territory capitals and in 34 overseas locations, and has around 3,500 staff. ISSG comprises six divisions:

- Immigration Programs
- Refugee, Humanitarian and Settlement
- Immigration Integrity and Community Protection
- Immigration and Community Protection Policy
- Service Delivery and Transformation, and
- the Global Business and Talent Attraction Taskforce.

It works in close collaboration with, and provides administrative and policy support to, the Prime Minister's Special Envoy for Global Business and Talent Attraction Mr Peter Verwer AO, and the Coordinator-General for Migrant Services Ms Alison Larkins.

Key service delivery priorities for 2021

In 2021, ISSG will continue to support national prosperity, security and social cohesion by:

- modernising and digitising Australia's visa service delivery arrangements enabled, subject to further decision making, by the proposed Permissions Capability
- supporting the Australian Border Force Commissioner's travel ban exemptions decision making
- implementing biosecure border arrangements to support recovery from COVID – including through delivery of the new Digital Passenger Declaration (replacing Incoming Passenger Cards and separate COVID-19 declarations) utilising the Permissions Capability from July 2021
- delivering the 2020-21 migration and humanitarian programs – including the significant increase in the Partner, Global Talent and Business Investment and Innovation programs – and ongoing management of status resolution and visa cancellations, and
- maintaining an agile policy and delivery response to COVID-19, including through managing visas to support economic recovery, delivering services to children under the Unaccompanied Humanitarian Minors program, and maintaining lawful status of visa holders, cancellations and temporary policy responses.

Outlook

While ISSG's work is subject to significant ongoing public, legal and political scrutiny, we anticipate a particular focus in early 2021 on:

- travel ban exemptions and how this intersects with repatriation of Australians

OFFICIAL

- matters associated with the NSW Independent Commission Against Corruption's inquiry into the activities of Mr Daryl Maguire including "cash for visas" allegations, and
- high profile individual cases.

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Australia's Visa System

Key Highlights

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.

Overview

Visas must generally be obtained prior to a non-citizen travelling to Australia. Australia's visa system 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 (six visa types) that provides for the resettlement of refugees and fulfils Australia's international protection obligations to people at risk in Australia.

Each visa applicant is assessed against national security, character and health criteria. Applicants must satisfy the relevant criteria to be granted a visa.

Current Situation

Before the pandemic, the total number of people lodging non-humanitarian visa applications to enter or remain in Australia had shown consistent growth. From 2014–15 to 2018–19, temporary and permanent visa applications grew by about 1.8 million, or 23 per cent. However, in 2019–20, the effects of COVID-19 reduced visa applications by more than 2.3 million, or 24 per cent, compared to the previous year.

- In terms of visa grants, in 2019-20, the Department granted 6.5 million temporary visas and 140,366 visas in the permanent Migration Program compared with 8.8 million temporary visas and 160,323 permanent visas in 2018-19.
- There were 96,402 first-stage partner and 111,334 parent visa applications on hand as at 11 December 2020.
 - As a temporary measure, the 2020-21 Migration Program has departed from the usual two-thirds/one-third split between the Skill and Family streams to increase the number of places available to Family visa categories.
 - 72,300 places have been allocated to Partner visas – an increase of more than 80 per cent on last year's planning level.
- As at 30 November 2020, there were 330,539 Bridging visa holders on hand.

OFFICIAL

- People who are unable to depart Australia due to COVID-19 travel restrictions are applying for new substantive visas to remain in Australia. While their applications are being finalised, they will often be granted a Bridging visa to remain lawfully in Australia.
- We will provide advice on the Migration Program to you in early 2021.

COVID-19

In response to the impact of COVID-19, government introduced a range of interim visa measures to protect the health and livelihoods of Australians, support critical industries (including agriculture, food processing, aged-care, disability, health-care and childcare), support visa holders, and assist with Australia's economic recovery (see Attachment A). The COVID-19 related measures are subject to regular review. We will provide advice in early 2021 regarding the further extension of these measures including changes introduced to support the agriculture sector.

Legislation Framework

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

Attachments

Attachment A: Chronology of COVID-19 Temporary Visa Measures

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Chronology of COVID-19 Temporary Visa Measures (as at 17 December 2020)
(including support for agriculture)

Date	Measures/Media Releases
Late February 2020	Legislative instruments to enable the regularisation of former student and visitor visa holders through a nil VAC and simplified application form process. The individuals had their visas cancelled in immigration clearance due to the COVID-19 pandemic, and were subsequently granted border visas.
13 March 2020	International students currently employed at major supermarkets are able to temporarily work more than the 40 hours per fortnight usually allowed to help meet high demand for essential items. https://minister.homeaffairs.gov.au/davidcoleman/Pages/more-help-aussie-shelves-stocked.aspx
18 March 2020	International students currently employed by aged care and home care providers are able to temporarily work more than the 40 hours per fortnight usually allowed to ensure the care of senior and vulnerable Australians. International students enrolled in nursing courses are also able to work more than 40 hours per fortnight if they are working at the direction of health authorities. https://www.health.gov.au/ministers/senator-the-hon-richard-colbeck/media/international-students-ready-to-fill-critical-staff-shortages-in-aged-care https://www.pm.gov.au/media/update-coronavirus-measures
4 April 2020	A number of changes to temporary visa arrangements were made in order to protect the health and livelihoods of Australians, support critical industries, support visa holders, and assist with the rapid recovery post the virus. This includes: <ul style="list-style-type: none"> • Allowing those within the Pacific Labour Scheme and Seasonal Worker Programme to extend their stay in Australia to support the agriculture sector and other critical sectors and providing an exemption from the requirement to work for a single employer. • Working holiday makers working in critical sectors are exempt from the six-month limitation with one employer and eligible for a further visa in these sectors if their visa is due to expire in the next six months. • A visa pathway being made available within the existing Temporary Activity visa (subclass 408), to support COVID-19 related critical sectors and to provide a visa of last resort for visa holders unable to depart Australia. • Flexibility in cases where COVID-19 has prevented students meeting their visa conditions (eg not being able to attend class). • Temporary skilled visa holders who have been stood down, but not laid off, to maintain their visa validity.

Date	Measures/Media Releases
	<ul style="list-style-type: none"> • Businesses being able to reduce the hours of temporary skilled visa holders without the person being in breach of their visa condition. • Temporary skilled 4-year visa holders re-employed after the COVID-19 pandemic to have their time already spent in Australia count towards their permanent residency skilled work experience requirements. • Allowing most temporary visa holders to access their Australian superannuation - up to \$10,000 this financial year. <ul style="list-style-type: none"> ◦ The exceptions are those Temporary Skill Shortage visa holders who have been laid off and international students who have held a student visa for less than 12 months. (Regulations made on 16 April to give effect to this measure) <p>https://minister.homeaffairs.gov.au/davidcoleman/Pages/Coronavirus-and-Temporary-Visa-holders.aspx</p> <p>https://minister.homeaffairs.gov.au/davidcoleman/Pages/supporting-agriculture-workforce-covid-19.aspx</p> <p>https://minister.awe.gov.au/littleproud/media-releases/agricultural-workforce</p>
11 April 2020 (\$7 million announced).	<p>Government provided \$13 million to the Australian Red Cross (\$7 million in March 2020 and a further \$6 million in August 2020) to provide emergency relief and counselling support to around 50,000 temporary visa holders to December 2020. Temporary visa holders also able to access relief services from other community organisations in receipt of a total of \$200 million additional funding.</p> <p>https://www.anneruston.com.au/urgent_support_for_300_charities_and_community_organisations</p>
17 April 2020	<p>Following the Government's decision to wind back the measure allowing international students to work more hours at supermarkets, the Department sent letters to all entities registered to access the measure advising the retraction of the measure from 1 May 2020.</p>
23 April 2020	<p>Student visa holders studying relevant medical courses can temporarily work more than the 40 hours per fortnight usually allowed, if they are working in support of coronavirus efforts and at the direction of the relevant health authority.</p> <p>Student visa holders working for registered disability service providers will also be able to work more than the usual 40 hours.</p> <p>From 1 May, the measure allowing international students to work more hours at supermarkets, announced on 13 March 2020, will end.</p> <p>https://minister.homeaffairs.gov.au/alantudge/Pages/boosting-health.aspx</p>
1 May 2020	<p>Superannuation provisions previously registered on 16 April 2020 were changed to broaden the definition of Temporary Skill Shortage visa holders able to access super to include those who had their hours reduced, as well as those stood down.</p>

Date	Measures/Media Releases
20 July 2020	<p>To support the international education sector through the current impact of COVID-19 and ensure that Australia remains a competitive, high quality and welcoming destination for international students, the following measures were announced:</p> <ul style="list-style-type: none"> • recommencing visa grants for student visa applications lodged outside Australia where all requirements are met; • a fee waiver for students to apply for another student visa if they cannot complete their course within their original visa validity due to COVID-19; • allowing time spent studying online to count towards qualifying for a post-study work visa for students affected by COVID-19; <ul style="list-style-type: none"> ○ making available an option to apply for and be granted a post-study work visa outside Australia for students affected by COVID-19; and ○ allowing additional time for applicants to provide results for English language testing, biometrics collection and health checks, where COVID-19 has disrupted access to services. <p>https://minister.homeaffairs.gov.au/alantudge/Pages/supporting-international-students-support-australian-jobs.aspx</p> <p>https://ministers.dese.gov.au/tudge/supporting-international-students-support-australian-jobs</p>
4 August 2020	<p>The Government announced a targeted trial to help Northern Territory mango producers access the workers they need to address critical labour shortages. On 3 September 2020, 162 workers from Vanuatu arrived in Australia under the Seasonal Worker Programme with stringent conditions in place to ensure the health and safety of Australians. As a part of this trial, workers will be required to undertake 14 days mandatory quarantine and will be working under a COVID Management Plan, reviewed by the Australian Health Protection Principal Committee and the Northern Territory Chief Medical Officer.</p> <p>https://minister.homeaffairs.gov.au/alantudge/Pages/seasonal-and-pacific-worker-pilot-programme-to-be-trialled.aspx</p>
19 August 2020	<p>WHM Instruments commenced which allows those working in critical COVID-19 work in the healthcare and medical sectors to count this work as specified work towards a 2nd or 3rd WHM visa. Previously, work in these sectors did not qualify them for a further WHM visa and many visa holders were reverting back to other specified work. Regulations to allow this work to count on a COVID-19 Pandemic s/c 408 visa, and allow a person to resume the WHM path after the s/c 408, commenced 14 November 2020.</p>
21 August 2020	<p>The Prime Minister announced the restart of the Pacific Labour Scheme and Seasonal Worker Programme to help fill labour shortages in key industries, particularly the agricultural sector. The health and safety of Australians remains the highest priority and stringent health requirements will be in place. States and territories will decide whether to access the arrangement and will need to ensure there is sufficient quarantine and health system capacity for new arrivals. Approved employers will need to undertake labour market testing to ensure that Australians are recruited first where possible.</p> <p>www.employment.gov.au/news/arrangements-targeted-recruitment-under-swp-and-pls</p>

Date	Measures/Media Releases
2 September 2020	<p>Strengthened labour market testing for employer sponsored visa applications by requiring businesses to advertise vacancies on Jobactive before engaging overseas workers.</p> <p>A Priority Migration Skilled Occupation List (PMSOL) based on advice from National Skills Commission (NSC) and other Commonwealth departments prioritises migration for people with critical skills through employer sponsored visa programs. https://minister.homeaffairs.gov.au/alantudge/Pages/supporting-australian-business-to-fill-critical-skills-needs.aspx</p>
8 September 2020	<p>In response to calls for assistance from the Department of Health, new visa arrangements were introduced to support the supply of labour and workforce continuity in the aged care sector given the impact of COVID-19. The new measures included an extension of the temporary relaxation of working hours for international students beyond the usual 40 hours per fortnight limit if employed in the aged care sector prior to 8 September 2020. From this date, temporary visa holders are also able to apply for the COVID-19 Pandemic Event visa if they have more than 28 days remaining on their current visa, where they have an offer of employment in the aged care sector.</p>
19 September 2020	<p>Concessions available for certain visa holders and former visa holders (subclass 887; Business Innovation and Investment (Provisional) visa (subclass 188) and (Permanent) visa (subclass 888); Safe Haven Enterprise (Temporary) visa (subclass 790) who have been disadvantaged by COVID-19. Concessions available from 1 February 2020 until a date determined by the Minister Tudge.</p> <p>No media release.</p>
12 October 2020	<p>Visa Application Charge (VAC) waivers available for new applications made by the following cohorts:</p> <ul style="list-style-type: none"> • Visitor visa holders who are overseas and whose visas expired or will expire between March - December 2021 • WHMs either onshore or offshore whose visas expired during the COVID-19 period are eligible for a nil-VAC application (or a VAC refund for those outside Australia past the age cap). • Seasonal workers and Pacific Labour Scheme visa holders granted a visa before 20 March 2020 and unable to travel to Australia due to COVID-19. • TSS and Temporary Work (Skilled) visa holders who have not made their initial entry to Australia or have returned home due to COVID-19. <p>A VAC refund will be available to Prospective Marriage visa holders who have been unable to travel to Australia. Visa extensions will be available for those whose visas are still valid. https://minister.homeaffairs.gov.au/alantudge/Pages/Supporting-tourism-and-agriculture-through-Visa-Application-Charge-changes.aspx</p>

Date	Measures/Media Releases
14 November 2020	Further changes to the Subclass 887 (Skilled-Regional) visa for eligible applicants who are offshore to be granted a permanent visa, regardless of when they applied.
24 November 2020	<p>Concession made for Temporary Skill Shortage (subclass 482) and Temporary Work (Skilled) (subclass 457) visa holders to apply for Temporary Residence Transition (TRT) stream of the Employer Nomination Scheme (subclass 186) and the Regional Sponsored Migration Scheme (subclass 187) visa pathways. These concessions are:</p> <ul style="list-style-type: none"> • Exempting loss of earnings due to COVID-19 from the high income threshold for age exemptions for applicants over the age of 45. • Allowing periods where a worker has been temporarily stood down, been on unpaid leave or had their hours reduced to count towards the relevant employment history requirements. • Taking a practical approach to time of application English language requirements where testing centres are closed due to COVID-19.
27 November 2020	<p>The Priority Migration Skilled Occupation List (PMSOL) was updated to include the occupation of Social Worker (272511), based on advice from the National Skills Commission. No occupations were removed from this list. This update brings the total number of occupations on the list to 18 and is the first update to the list since its announcement on 2 September 2020.</p> <p>https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/pmsol</p>

Permanent Migration Program

Key Highlights

The 2020-21 Migration Program was designed with flexibility as a key element, to be able to adapt to evolving economic, border and public health challenges in an uncertain COVID-19 environment.

The Migration Program will be a key vehicle to support post COVID recovery. Design for the 2021-22 Program is underway and will be considered in the context of next year's Budget.

Overview

In the context of the Budget each year, you bring forward a submission on the annual Migration Program. Program size and composition are agreed by Government annually following consultations across the Commonwealth, with state and territory governments and with the public.

The Migration Program is currently managed through three streams – Skill, Family and Special Eligibility. Skill and Family streams are made up of a number of visa categories (see [Attachment A](#) for a description of these categories). The Migration Program also includes a separate Child category which is demand driven and not subject to a planning ceiling.

Current Situation

The 2020-21 Migration Program was announced on 6 October 2020 alongside the Federal Budget.

The Migration Program planning ceiling for 2020-21 was retained at 160,000 to maximise flexibility for program delivery, allowing the program to accelerate to full delivery or brake as required in response to the unpredictable trajectory of COVID-19 and uncertain economic conditions.

Program design for 2020-21 also provides you with flexibility to shift places between categories within the skilled program, to allow you to respond to an unpredictable economic situation. Within the Skill stream, priority has been given to visa cohorts that drive economic growth and investment into Australia, being the Business Innovation and Investment Program; the Global Talent; and the Employer Sponsored categories, and ambitious planning levels were set for these categories. We will provide briefings on program delivery and outlook to support your ongoing considerations about the skilled program.

As a temporary measure for 2020-21, the Migration Program departs from the usual two-thirds/one-third split between the Skill and Family streams to increase the number of places available to Family visa categories, with 72,300 places allocated to Partner visas – an increase of more than 80 per

OFFICIAL

cent on last year's planning level. Consistent with other visa categories for 2020-21, priority will be given to Partner visa applicants who can meet visa criteria, including those in Australia.

Since October 2020, the Department has implemented a range of initiatives to uplift delivery in order to meet the Partner program for 2020-21. Additional processing resources have been trained and deployed to Partner processing.

Planning levels for the 2020-21 Migration Program are at [Attachment B](#) and previous planning levels and outcomes for the program are at [Attachment C](#).

Outlook

You will need to bring forward a submission on the 2021-22 Migration Program for next year's Budget. We will brief you on options for the Migration Program in January 2021.

Consultations for the 2021-22 Migration Program are underway. Consultations will continue into early 2021 and will include industry and community representatives, academics, State and Territory officials and Commonwealth Departments. We will also seek the public's views through an online submission process.

Attachments

Attachment A: Migration Program Streams and Categories

Attachment B: 2020-21 Migration Program Composition

Attachment C: Migration Program 2018-19 to 2020-21 – Planning Levels and Program Outcomes

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Attachment A

Migration Program Streams and Categories

The Skill and Family streams consist of a number of categories. The following table outlines the descriptions of each of the categories in the 2019-20 Migration Program.

Skill stream – visa categories	
Employer Sponsored	Fills identified skill shortages in the medium to long-term.
Skilled-Independent	Addresses Australia's long-term labour market needs by expanding its human capital through young, highly skilled migrants with advanced English language proficiency.
State/Territory Nominated	Supports labour market needs by providing skilled migration specifically for states and territories.
Regional <i>Skilled Employer Sponsored Regional</i> <i>Skilled Work Regional</i>	Supports regional businesses and states and territories to nominate skilled migrants to fill skills shortages in regional Australia. Visa applications for previous regional visas (subclass 187 and subclass 489 visas) that were lodged prior to 16 November 2019 will continue to be processed and resulting visa grants will be counted towards places in the Regional category.
Business Innovation and Investment Program	Encourages economic activity by increasing entrepreneurial talent and diversifying business expertise in Australia.
Global Talent Program	Benefits Australia by seeking specialised individuals who are at the top of their field in growth industries and can provide opportunities for businesses, entrepreneurs and individuals to share innovative ideas, skills and experience.
Distinguished Talent	Benefits Australia by attracting individuals who have an internationally-recognised record of exceptional and outstanding achievement in a profession, a sport, the arts, academia and research.

Family stream – visa categories	
Partner	Allows Australian citizens, permanent residents or eligible New Zealanders to sponsor their partner to live in Australia. This is the largest category in the Family stream.
Parent	Allows Australian citizens, permanent residents or eligible New Zealanders to sponsor their parents to live in Australia.
Other Family	Allows family members to sponsor carers, remaining relatives or aged dependent relatives to live in Australia.

Attachment B

2020-21 Migration Program Composition

Stream and Category	2020-21 Planning Levels
Employer Sponsored <i>Employer Nomination Scheme</i>	22,000
Skilled Independent	6,500
State/Territory Nominated <i>Skilled – Nominated (Permanent)</i>	11,200
Regional, including: <i>Skilled Employer Sponsored</i> <i>Skilled Work Regional</i>	11,200
Business Innovation and Investment Program	13,500
Global Talent Program <i>Distinguished Talent</i>	15,000 200
Skilled Total	79,600
Partner	72,300
Parent	4,500
Other Family	500
Family Total	77,300
	49.24%
Special Eligibility	100
Total Managed Migration Program	157,000
Child (Demand driven; not subject to ceiling)	3,000
Total Migration Program	160,000

Attachment C

Migration Program 2018-19 to 2020-21 Planning Levels and Program Outcomes

Category	2018-19 Planning Levels	2018-19 Program Outcomes	2019-20 Planning Levels	2019-20 Program Outcomes	2020-21 Planning Levels
Employer Sponsored <i>Employer Nomination Scheme</i> <i>Regional Sponsored Migration Scheme (replaced)</i>	48,250	42,012 33,025 8,987	30,000	29,261	22,000
Skilled Independent	43,990	34,247	16,652	12,986	6,500
State/Territory & Regional Category* <i>State/Territory Nominated</i> <i>Skilled Regional</i>	28,850	25,993 25,346 647	49,968 24,968 25,000	44,867 21,495 23,372	22,400 11,200 11,200
Business Innovation and Investment Program	7,260	7,261	6,862	4,420	13,500
Global Talent Program**	N/A	N/A	5,000	4,109	15,000
Distinguished Talent	200	200	200	200	200
Skill Total	128,550	109,713	108,682	95,843	79,600
Partner	47,825	39,918	39,799	37,118	72,300
Parent	8,675	6,805	7,371	4,399	4,500
Other Family	900	524	562	444	500
Family total	57,400	47,247	47,732	41,961	77,300
Special Eligibility	565	115	236	81	100
Total Migration Program	186,515	157,075	156,650	137,885	157,000
Child (<i>outside the Migration Program ceiling</i>)	3,485	3,248	3,350	2,481	3000
Total permanent migration places	190,000	160,323	160,000	140,366	160,000

* From 2019-29 regional category consists of the new skilled regional visas (Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa and Skilled Work Regional (Provisional) (subclass 491) visa) and the previous regional visas (Regional Sponsored Migration Scheme (subclass 187) visa and Skilled – Regional (Provisional) (subclass 489) visa). Visa applications for the subclass 187 and subclass 489 visas that were lodged prior to 16 November 2019 will continue to be processed and resulting visa grants will be counted towards places in the Regional category.

** Global Talent (Independent) category commenced in the 2019-20 program year.

Refugee and Humanitarian Program

Key Highlights

The size of the 2020-21 Humanitarian Program was set at a ceiling of 13,750 places, which reflects the Government's focus on ensuring the best possible settlement support for humanitarian entrants during the COVID-19 economic downturn and the role of migration to support economic recovery and job creation.

Despite the reduction from 18,750 in 2019-20, Australia will remain one of the most generous humanitarian resettlement countries in the world. Strong involvement by Australia in global discussions on the challenges of responding to resettlement need can help to positively shape action by other countries.

Overview

Globally there are over 1.4 million refugees identified by the United Nations High Commissioner for Refugees (UNHCR) as in need of resettlement. Australia's Humanitarian Program comprises:

- a large offshore component (85 to 90 per cent) for refugees and other displaced people outside Australia who are in need of resettlement, including those referred by the UNHCR and those proposed by close family through the Special Humanitarian Program (SHP), or the Community Support Program (CSP), a private sponsorship program for humanitarian entrants with good employment prospects;
- the onshore component includes a smaller onshore protection component (10 to 15 per cent) for permanent protection visas granted onshore to people who have arrived lawfully and engage Australia's international protection obligations.

Outside the Program, temporary protection options have been made available for people who arrived as illegal maritime arrivals by boat or air, and people transferred to regional processing centres.

Current Situation

The Government considers the size of the Humanitarian Program each year as part of the Budget process. From 2020-21 the Humanitarian program, like the Migration Program, will be planned with a ceiling level, rather than a target, in recognition of the uncertain global health, economic and political environment. As for the Migration Program, the Government agreed that there was a need for flexible program delivery in 2020-21.

The composition of the program which is the balance across different visa categories (refugee, SHP, CSP) as well as the source countries of the refugee and humanitarian visa cohorts is usually decided by the Minister for Immigration. Minister Tudge provided a decision on the interim composition of the program (MS19-003038) and the Department will come back to you to seek your agreement on the final composition of the Program in early 2021.

OFFICIAL

Travel restrictions and temporary suspension of offshore activities by partner organisations led to about 70 per cent of the 2019-20 allocation being delivered. Australia's COVID-19 travel restrictions currently prevent newly granted humanitarian visa holders from entering Australia unless they are eligible for an individual exemption. The granting of offshore humanitarian visas was deprioritised on 19 March 2020. Visas for a small number of emergency/urgent cases continue to be granted and travel is facilitated where possible.

Stakeholders / Forums

The composition of the Humanitarian Program is conventionally informed by community consultations held by you as well as public consultations facilitated by the Department. The Department hosts the Non Government Organisations (NGO) Dialogue, which brings together senior representatives from government, non government organisations and peak refugee bodies to discuss issues affecting asylum seekers and refugees. The NGO Dialogue did not take place in 2020 due to COVID 19.

The Department engages with global fora on refugee and resettlement solutions including the Annual Tripartite Consultations on Resettlement which has a focus on strengthening cooperation between governments, NGOs and UNHCR and the Intergovernmental Consultations on Migration, Asylum and Refugees run by the International Organisation for Migration (IOM). The Department has assistance from both UNHCR and IOM to support the delivery of the humanitarian program.

Outlook

The Department is currently preparing a submission to seek your agreement on the final composition of the 2020-21 Humanitarian Program.

US President-elect Joe Biden has announced a commitment to raise America's annual refugee admissions target to 125,000, after the program experienced deep cuts under the Trump administration, down to 15,000. This revamp of the admissions program will directly impact Australia's key delivery partners, including UNHCR.

Attachments

Attachment A: Delivery of the 2019-20 Humanitarian Program

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Attachment A

Delivery of the 2019-20 Humanitarian Program

The 2019–20 Humanitarian Program was set at 18,750 places. Consistent with other decisions of the Government to limit the spread of COVID-19 within Australia, the granting of all Class XB (offshore) Humanitarian visas was de-prioritised on 19 March 2020.

As a result, 13,171 visas were granted in the humanitarian program during the program year:

- 11,521 offshore visas
 - 6,422 Refugee category visas
 - 5,099 Special Humanitarian Program (SHP) visas, including 417 as part of the Community Support Program; and
- 1,650 onshore visas

Offshore Humanitarian Program Top 10 Citizenships 2019-20

Citizenship	Refugee	SHP	Total
Iraq	2,757	3,028	5,785
Dem Rep of the Congo	1,048	117	1,165
Syria	686	261	947
Myanmar	132	664	796
Afghanistan	386	233	619
Eritrea	275	159	434
Ethiopia	295	65	360
Central African Republic	333	0	333
Iran	70	247	317
Stateless	5	199	204
Other	435	126	561
Total	6,422	5,099	11,521

Status Resolution Support Services Program

Key Highlights

The Status Resolution Support Services (SRSS) program provides short-term support to individuals while they actively engage with the Department of Home Affairs (the Department) to resolve their immigration status, either through the grant of a visa or departure from Australia. This support manages risk and meets domestic and international legal obligations.

Overview

SRSS commenced in 2014 and was redesigned in 2018 as part of the budget measures implemented to manage the Illegal Maritime Arrival (IMA) legacy caseload. A comprehensive restructure of the SRSS program was undertaken to streamline and moderate service offerings to better meet the needs of government and align to the measures in the budget.

The redesign reinforced the principles that SRSS is not a welfare program, individuals with work rights are expected to work and support themselves and their families, individuals with adequate income or assets will not receive support, services should focus on status resolution outcomes and individuals are expected to engage with the Department and participate in the resolution of their immigration status.

People who are actively engaged with the Department to resolve their immigration status and need assistance to overcome barriers to that resolution may be eligible. All applicants are individually assessed to determine eligibility. The circumstances of recipients under the SRSS program are regularly reviewed to ensure their continued eligibility.

Support services do not exceed support levels provided to low-income Australian citizens or permanent residents. Services provided under the SRSS program include: financial assistance, accommodation, access to health care, access to education for school aged children, case worker support.

Approved recipients are placed into 'Bands' dependent on their circumstances or needs. Circumstances include: age, family composition, vulnerabilities and immigration status. The Bands are as follows:

- Band 1 - Unaccompanied Minors (UAMs) in an Alternative Place Of Detention (limited services)
- Band 2 - UAMs who are unlawful and under a Residence Determination, in the Australian community
- Band 3 - families and adults who are unlawful and under a Residence Determination, in the Australian community.
- Band 4 - short-term/transitional support for clients leaving immigration detention
- Band 5 - asylum seekers (on Bridging visas (BV) associated with a valid protection visa application or at merits review) with a higher level of needs and more complex barriers to status resolution
- Band 6 - asylum seekers (on BVs associated with a valid protection application or at merits review) with limited needs and short-term barriers to status resolution

Current Situation

As at 31 August 2020 there were 4,057 individuals receiving support through the SRSS program, of which 2,591 were IMAs and 1,466 were non-IMAs.

The total number of SRSS recipients who have exited the program between 1 May 2018 and 31 August 2020 is 9,601.

During the 2019-20 financial year, the total administered cost of the SRSS program, including the Services Australia component (financial assistance), was \$128.5 million. In the 2020-21 financial year, the estimated budget for the SRSS program, including the Services Australia component, is \$106.5 million. There were no changes to the SRSS program announced in the 2020-21 Budget.

The Department currently contracts nine providers to deliver SRSS across Australian states and territories. The nine contracts, extended in January 2020 for a further two years, operate until 30 June 2022 at which point no further contract extension options are available.

The current total contract value for SRSS is \$1,020,174,427.97 (GST inclusive), over eight years (September 2014 – June 2022).

As the current SRSS provider contracts expire on 30 June 2022, the Department is progressing a procurement for services under the SRSS program.

Legislation Framework

SRSS is not specifically prescribed in the *Migration Act 1958*. However the program is a lever within the broader statutory framework regulating the entry and stay of non-citizens in Australia. The financial spending authority for SRSS is provided in Part 4 Schedule 1AB of the *Financial Framework (Supplementary Powers) Regulations 1997*.

The program assists to fulfil international obligations under several articles of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Stakeholders / Forums

The program conducts formal monthly meetings with all contracted service providers. The program also engages with Non-Government Organisations (NGOs) about SRSS through the Department's NGO Dialogue forum. The program engages bilaterally with refugee and asylum seeker bodies, such as the Refugee Council of Australia. SRSS providers engage with their local community service organisations and other stakeholders.

OFFICIAL

Outlook

We will seek your views on the SRSS program settings in February 2021.

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Permissions Capability

Key Highlights

On 20 March 2020, the Government announced a broad new policy approach to the acquisition and delivery of workflow processing capability across government.

Consistent with the Government's response to the Independent Review of the Australian Public Service (the Thodey Review), the Department of Home Affairs (Home Affairs) and the Digital Transformation Agency (DTA) were instructed to source and deliver a Permissions Capability to underpin the modernisation of visa and citizenship service delivery within the Department and that could be reused across government for other similar permission-based services.

The first use case to be delivered on the Permissions Capability in the third quarter of 2021 will be a Digital Passenger Declaration (DPD) to support the safe opening of Australia's borders, directly aiding economic recovery.

The first visa-based use case for the Permissions Capability will be the Transit Visa. These first use cases will be pivotal for testing the intended technical, governance and design reuse of the Permissions Capability, including for future visa use cases.

The Department will be responsible for delivering the first use cases and subsequent visa use cases. The DTA is the policy owner for reuse of the Permissions Capability across government.

Overview

The Permissions Capability is an investment in critical infrastructure needed to underpin a modern, digitally-enabled government that can drive better services and economy-wide productivity improvements. To deliver these better services, Government's approach to developing new capabilities is evolving as bespoke departmental-based solutions give way to user-focused, digitally enabled, Whole of Government (WofG) capabilities. By developing WofG capabilities, relevant parts of Government can solve similar problems in an efficient, collaborative, and technologically integrated way.

This reuse of capabilities across government maximises the returns from smart investments and minimises the long-term fiscal costs and service delivery risks of maintaining multiple ageing systems. The policy rationale underpinning this evolution has been stressed in the Government's response to the APS Review, codified in the Digital Transformation Strategy, and operationalised through the Digital Transformation Priorities.

This first set of use cases will act to test the Permissions Capability against a suite of simple permissions and complex visas to inform both the WofG reuse strategy and evolution to a wider scope of more complex permissions types. It will also provide the foundation for subsequent expanded permissions processing across Home Affairs and other government agencies more broadly.

A permission is broadly defined as government giving an individual or business the right to 'be something', 'do something' or 'have something' as the result of an assessment of eligibility against legislation, regulation, or policy. It may include visas, permits, licences, and registrations.

A capability, within the context of the Permissions Capability, is more than just technology and includes people, processes, and enablers such as governance, business models, and service design. Capability reuse refers to the reuse of one or more of these elements, for example sharing skilled resources, governance models or technology and/or business process design patterns.

Current Situation

The Department, supported by the DTA, have conducted an open and competitive Request for Tender (RFT) process to deliver the new WofG Permission Capability. The RFT was released on AusTender on 23 October 2020 and closed on 18 December 2020. Evaluation will commence on 21 December 2020 and current timelines will see tender evaluations and contract negotiations finalised by March 2021.

In accordance with the Department's instructions regarding high-value, high-risk procurements, a Procurement Steering Committee has been established with the Chief Finance Officer, Chief Risk Officer included as members and the General Counsel included as an advisor.

The Commonwealth's probity principles are reflected in the *Public Governance, Performance and Accountability Act 2013*, the Commonwealth Procurement Rules and the APS Code of Conduct. They are central to achieving value for money in Commonwealth procurements. The Department has appointed an external probity adviser and has an approved probity plan in place to ensure that probity is observed at all times for the duration of the procurement process.

The Department and the DTA have collectively received \$74.9 million to undertake procurement, technology design and other preparatory work for the Permissions Capability.

High-level service design for the DPD and Transit visa has been completed. External user research for the DPD has commenced with other government agencies. Detailed service design, including external user research with key stakeholders and client groups, for the DPD and Transit visa will commence in January 2021. Internal user research and high level future service design has also commenced for a range of more complex visas which will be part of the next phase for Permissions Capability.

The Permissions Capability Board has been established as a decision making body to oversee the program and ensure collaborative design, unified program approach and that the program delivers within allocated timelines.

Outlook

Governance arrangements have been established to support decision making and program management for the Permissions Capability Program.

OFFICIAL

Attachments

Appendix 4 Permissions Capability Industry Information Paper

Contact Details

Name: Andrew Kefford PSM
 Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
 s. 22(1)(a)(ii) @homeaffairs.gov.au

Section 501 (Character) Visa Cancellations and Refusals

Key Highlights

Visa cancellation and refusal powers are a valuable tool in the system that maintains the integrity of Australia's immigration program and borders. They help to protect the Australian community by addressing national security and criminality risks that may be posed by non-citizens.

Overview

Australia has a sovereign right to determine whether non-citizens of character concern are allowed to enter or remain in Australia. Increasing sophistication of global organised crime and terrorists will likely result in the continued prevalence of non-citizens posing a risk to the Australian community once international borders open up and travel increase. Section 501 of the Migration Act 1958 (the Migration Act) allows for the cancellation or refusal of visas if a person is assessed as failing the 'character test'. General cancellation powers also enable (primarily) temporary visas to be cancelled if a person is assessed to pose a risk to the health, safety or good order of the community.

Reporting is provided to you each month via the Minister's Office Character Dashboard and Minister's Office Domestic Violence Report.

Legislation Framework

The Migration Act provides the legislative authority for cancellations and refusals. A non-citizen can fail the character test for a number of reasons including, where they have a substantial criminal record or are reasonably suspected of associating with, or being a member of, a group involved in criminal conduct.

Mandatory cancellation (section 501(3A) of the Migration Act) 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 period of 12 months or more in prison or have been found guilty of a sexually based crime involving a child. If a non-citizen's visa is mandatorily cancelled, they may seek revocation within certain timeframes.

Section 501 of the Migration Act also provides the legislative authority to cancel or refuse a visa to persons who are considered to be controversial visitors. These may include persons who are reasonably suspected of being involved in war crimes, whose presence in Australia could pose a risk of vilifying, inciting discord or represent a danger to the Australian community or a segment of the community or persons whose presence in Australia may be considered contrary to Australia's foreign policy interests. Controversial visitors may include people who hold or advocate extremist views, those who have a record of encouraging disregard for law and order, or those who are considered likely to encourage politically motivated or criminal violence in Australia.

OFFICIAL

Section 501 decisions (including revocations) are prioritised and allocated for decision according to the seriousness of the conduct. This determines which decisions are referred to a Minister or departmental delegate. Ministerial Direction no. 79 came into effect on 28 February 2019, and applies to decision-makers [including the Administrative Appeals Tribunal (AAT)] who are considering exercising discretion under section 501 of the Act. The considerations include the need to protect the Australian community, the nature and seriousness of the conduct and the best interests of minor children. This Ministerial Direction will be replaced on 1 February 2020 with Ministerial Direction 89. The new direction strengthens the character-related visa refusal and cancellation settings ensuring that these decisions meet the Government's intent regarding the protection of the Australian community and denying individuals with character concerns the right to come to or stay in Australia.

Non-citizens who do not hold a visa will be liable for detention and removal from Australia as soon as practicable, subject to completion of any custodial sentence or other outstanding matters. Persons whose visas are cancelled or refused by the departmental delegate can seek merits review, and may seek judicial review if they believe that there is an error of law in the decision. The Minister can make decisions with or without natural justice, and has powers to substitute a decision made by the AAT or departmental delegate. Minister decisions are not reviewable by the AAT, but can be subject to judicial review.

Stakeholders / Forums

Visa cancellation cases often attract substantial media and community attention.

Outlook

The Migration Amendment (Strengthening the Character Test) Bill 2019 is currently before the Senate. The Bill will create an objective ground (the designated offence ground) in the character test and legislate that a person convicted of a designated offence punishable by a maximum of at least two years imprisonment (under Australian Law), could be considered for visa refusal or cancellation regardless of the sentence imposed. The earliest the Bill may pass is the autumn 2021 sittings.

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

Onshore Settlement Services and Adult Migrant English Program

Key Highlights

In response to the 2019 Shergold Review, the Government appointed a Commonwealth Coordinator-General for Migrant Services (CG) and is reforming services to improve migrant and humanitarian entrant settlement and integration.

A reform agenda has been launched for the Adult Migrant English Program (AMEP) to improve English language acquisition outcomes as a part of a broader social cohesion strategy.

COVID-19 has presented a new set of challenges for the pace of reform work, Humanitarian Program client arrivals, the delivery of settlement services and the ability for humanitarian entrants to achieve successful settlement and integration into their communities.

Planning to identify options for re-starting Humanitarian Program arrivals when possible.

Overview

The Department is reforming settlement services to improve migrant integration with a particular focus on English acquisition, economic participation, regional settlement, community/business involvement in settlement and policy/program delivery coordination.

Supporting migrants to learn English by funding over \$1 billion for AMEP over four years (2020-21 to 2023-24).

- The AMEP provides around 50,000 eligible migrants and humanitarian entrants each year with free English language tuition. The program consists of 50 per cent family visa holders, 35 per cent humanitarian entrants and the remainder are skilled visa holders. The program is delivered across 240 sites through contractual arrangements with 14 providers.
- On 17 December 2020, legislation was passed which removes barriers to accessing the AMEP by removing a cap on tuition hours, expanding eligibility from functional to vocational English, and removing time limits for commencement and completion of the program (for those in Australia as at 1 October 2020). Further reforms to the AMEP are being led by the Coordinator-General for Migrant Services.
- A communications campaign will promote the AMEP in the first quarter of 2021 as part of a broader social cohesion strategy.

Address barriers to economic participation by:

- Working with the Department of Education, Skills and Employment on the Regional Employment Trials and the New Employment Services Model (to replace Jobactive), to be delivered nationally from July 2022.
- Opening new employment pathways through innovative projects such as The Bread & Butter Project, Thrive and a number of new SETS Innovation Grants.

Supporting migrant integration through settlement services:

- Delivering over \$660 million in settlement services, including \$406.1 million for the Humanitarian Settlement Program (HSP) (2020-21 to 2023-24) and \$180 million for Settlement Engagement and Transition Support (SETS) over 3.5 years (Jan 2019-Jun 2022).

Increase regional humanitarian settlement to support growth in smaller cities and regions, with a target of 50 per cent by 2022. Regional settlement has risen from 33.3 per cent of humanitarian settlement in 2014-15 to 44.7 per cent in 2019-20.

Fostering opportunities for communities and businesses to support settlement through:

- the existing delivery of HSP services and orientation to life in Australia,
- extended funding for Youth Transition Support services and Youth Hubs to 30 June 2022, supporting young migrants to access education, vocational and employment pathways,
- the redesign of the Community Support Program.

Improve policy and program delivery coordination and service integration, including through the CG, to work across government, and with community/industry to drive labour market, English acquisition and integration results.

COVID-19 travel restrictions for international arrivals prevents newly granted humanitarian visa holders from entering Australia unless eligible for an individual exemption. A small number of emergency cases continue to be granted exemptions and travel facilitated where possible.

Planning is underway for facilitating larger numbers of Humanitarian arrivals in the future. This includes consideration of the 4,000 offshore humanitarian visa holders granted in 2019-20, financial viability of service providers if client numbers remain low or arrive too quickly, suitability of regional settlement locations and options for facilitated travel and Australian quarantine.

The Department is assessing the impacts of COVID-19 on the settlement services model, implementation of the response to the 2019 Shergold Review and implementation of a 2019 Australian National Audit Office audit of the HSP.

As a disadvantaged group, newly arrived humanitarian entrants are disproportionately affected by the economic and social impacts of COVID-19. HSP service delivery to around 14,000 existing clients (as at 30 Nov 2020) in Australia has been maintained. Referral of clients with complex needs to HSP Specialised and Intensive Services continue to be steady.

All settlement grant service provision has been affected, however, providers continue to operate, apply business continuity arrangements and return to normal service provision as local circumstances allow.

There is no expected reduction in funding to grants providers to June 2022.

- There is increased financial pressure on the settlement sector from July 2021, when Commonwealth supplementation for the Social and Community Sector Award Wage increase will cease (cost impact to the sector of around \$13.4 million per annum).

The delivery of the Australian Cultural Orientation Program (AUSCO) classes ceased in mid-March 2020 - only humanitarian entrants with an exemption to travel to Australia engage with AUSCO's modified services prior to departure.

Legislation Framework

The *Immigration (Education) Act 1971* obliges the Minister to provide English language tuition to permanent visa holders and some temporary visa holders who do not have vocational English.

The Financial Framework (Supplementary Powers) Regulations 1997, Schedules 1AA and 1AB provides direction on the provision of settlement services for Humanitarian Program clients through contracted service providers and grants for community organisations.

Stakeholders / Forums

The Department has maintained engagement with settlement service providers and national stakeholders, including funded Peak Bodies, to respond to impacts on services and clients.

The Senior Officials Settlement Outcomes Group meets virtually each month.

Established in February 2020 and Chaired by Mr Paris Aristotle AO, the Refugee and Migrant Services Advisory Council is a ministerially appointed body providing advice to the Australian Government on improving settlement outcomes for humanitarian entrants and other migrants.

Outlook

The October 2020 Budget set a ceiling of 13,750 places for the 2020-21 Humanitarian Program and forward estimates. Following a subsequent ministerial decision on the composition of the program, planning is underway to identify options to facilitate the arrival of Humanitarian entrants when border restrictions ease.

Contact Details

Name: Andrew Kefford PSM
Deputy Secretary Immigration and Settlement Services Group

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

GLOBAL BUSINESS, TALENT AND INVESTMENT ATTRACTION TASKFORCE

Group overview and priorities

Key Highlights

The Global Business and Talent Attraction Taskforce (the Taskforce) is part of the Australian Government's JobMaker Plan, to help generate quality jobs for Australians.

As announced by the Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs on 4 September 2020, the Taskforce is working to capitalise on Australia's status as an attractive destination for talent and investment and Australia's successful management of COVID-19 to attract high value global business and exceptionally talented individuals to Australia.

These businesses and individuals will inject additional business nous and new technologies in to the Australian economy to help drive growth in the development of high-value goods and services in emerging industries and support Australia's economic recovery from COVID-19.

Overview

The Taskforce is initially focused on high value businesses (or parts thereof) and exceptional talent in priority sectors in Australia's strategic industries, including; Advanced Manufacturing, Financial Services (including Fintech), and Health.

Following the 09 July 2020 media statement from the Prime Minister and then Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs regarding Hong Kong, the Taskforce is prioritising the attraction of businesses and exceptional individuals from Hong Kong. As well as Singapore, the United States and the United Kingdom. The Taskforce remains open to broader opportunities across all sectors and from all countries.

The Taskforce is targeting and attracting enterprises and individuals who will drive innovation and job creation by partnering and co-investing with Australian enterprises. These business will support the Australian economy by building Australia's skill base, and building national resilience by filling gaps in critical supply chains.

Current Situation

The Taskforce is funded to 30 June 2022, with a total budget of \$AUD29.8 million over the financial years of 2020-21 (\$AUD 13.5m) and 2021-22 (\$AUD 16.3m).

The Taskforce is led by Mr Peter Verwer AO who has been appointed as an SES Band 3 in the Department. Mr Verwer was announced as the Prime Minister's Special Envoy for Global Business and Talent Attraction on 4 September 2020.

Stakeholders / Forums

Hosted by the Department, partnering with the Australian Trade and Investment Commission, the Taskforce comprises of staff from the Treasury, the Department of Foreign Affairs and Trade, the Department of Industry, Science, Energy and Resources, the Department of Defence, the Department of Education, Skills and Employment and State and Territory Governments.

Outlook

As Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, you will chair the Ministerial Oversight Group that provides strategic guidance to the Taskforce on priorities and opportunities and reviews performance.

The Ministerial Oversight Group comprises the Minister for Trade, Tourism and Investment, the Foreign Minister, the Minister for Employment, Skills, Small and Family Business, the Minister for Industry, Science and Technology, and the Assistant Treasurer.

Contact Details

Name: Peter Verwer, AO
Prime Minister's Special Envoy for Global Business and Talent Attraction

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

COORDINATOR-GENERAL MIGRANT SERVICES

Group overview and priorities

Overview

Supported by a small policy team, the Commonwealth Coordinator-General for Migrant Services (Coordinator-General) is leading work to improve employment, English language acquisition and community integration for refugees, humanitarian entrants and other migrants with specific integration assistance needs.

In 2020, the Coordinator-General has been focussed on:

- the development of reforms to the Adult Migrant English Program (AMEP) including lifting the cap on tuition hours, raising the eligibility threshold to vocational English and removing time limits for commencement and completion of the program;
- consulting with a wide range of community stakeholders to inform a review of the Community Support Program and options for a renewed approach to community sponsorship of refugees in Australia;
- developing a data-driven approach to understanding Australia's refugee unemployment challenge; and
- working with other Commonwealth Government agencies to develop a more rigorous approach to defining and measuring settlement and integration outcomes for refugees.

Priorities

The Coordinator-General's current priorities include:

- developing strategies to improve pathways to economic participation for humanitarian entrants, particularly lower skilled refugees with limited English capability for whom there is no inherent labour market demand;
- the more detailed design of the AMEP reforms including the incorporation of outcome payments into the funding model, s. 47C(1), and increased flexibility and use of technology in the program ; and
- advising you on further reform options to ensure Australia's settlement and integration strategies and services address the needs of newly arrived refugees and migrants; respond more flexibly to local integration challenges; and create more avenues for everyday Australians to engage in integration efforts.

Background

Ms Alison Larkins commenced as the inaugural Commonwealth Coordinator-General for Migrant Services in December 2019. The role was established as part of the Government's response to Professor Peter Shergold's 2019 Review into *Integration, Employment and Settlement Outcomes for Refugees and Humanitarian Entrants in Australia*. The Coordinator-General works closely with federal

OFFICIAL

departments, state, territory and local governments, industry, the community sector and refugees and migrants themselves to drive better settlement and integration outcomes.

Contact Details

Name: Alison Larkins

Commonwealth Coordinator-General for Migrant Services (Deputy Secretary)

Contact: s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL

NATIONAL RESILIENCE AND CYBER SECURITY

Group overview and priorities

The National Resilience and Cyber Security (NRC) Group engages in the Security and Prosperity outcomes of the Department of Home Affairs. Working with colleagues across Government, the Group collaborates with the Australian industrial base, to develop a more robust and resilient Australian economy, better able to withstand shocks and adapt to emerging changes in the global, regional and domestic environments.

The NRC Group is comprised of five divisions and the Regional Processing and Resettlement Taskforce:

International Policy Division provides strategic oversight to Home Affairs' international engagement to ensure our relationships contribute to achieving government, portfolio and department objectives. The Division's capability supports the Portfolio to positively shape and influence bilateral and multilateral partners, promote global norms consistent with our interests, drive agendas in regional and global fora, continue to deepen and enhance our existing relationships with Five Eyes and other partners, and identify international policy solutions and opportunities.

Priorities for the Division in 2021 include: supporting the Australian Government's COVID-19 response efforts, the promotion of international standards to support reopening Australia to international travel in a COVID-safe way, promoting five country positions on critical policy priorities (such as cyber security and critical technology standards), and supporting whole of government efforts as part of the Government's Pacific Step-up policy.

Cyber, Digital and Technology Policy Division brings together a single Home Affairs focus on cyber, digital and emerging technology policy issues, including cyber security and safety, policy implications of emerging technology, identity policy, data policy, and the policy implications of cybercrime and cyber enabled crime. The Division also leads engagement with industry on cyber, digital and emerging technology policy issues.

Priorities for the Division in 2021 include: the implementation and evaluation of Australia's Cyber Security Strategy 2020, including supporting the Cyber Security Strategy 2020 Industry Advisory Committee; leading cyber policy input for the reforms to protect Critical Infrastructure and Systems of National Significance (CI/SONS); and leading Cyber Security Best Practice Regulation Taskforce as it works to develop standards and regulation that lifts the cyber security and cyber resilience of the Australian digital economy.

Critical Infrastructure Security Division works across all levels of government, and industry, to identify and manage the risks to Australia's critical infrastructure. The Division is responsible for the Critical Infrastructure Centre, which the Government established in January 2017 to develop a deeper understanding of national security risks affecting critical infrastructure owners and operators, and

implement mitigation strategies in close collaboration with states and territories, and industry. The Division works collaboratively with critical infrastructure owners and operators and states and territories, primarily through the Trusted Information Sharing Network for Critical Infrastructure Resilience (TISN), to ensure the continued operation of critical infrastructure in the face of all hazards. The Division is also responsible for exercising regulatory functions and powers, and dispensing advice, under specific legislation.

The Division's priority in 2021 will be the continuation of its work to support the CI/SONS reforms, including the Division's continued work to support the development and subsequent implementation of the *Security Legislation Amendment (Critical Infrastructure) Bill 2020*, which the Minister for Home Affairs introduced to Parliament on 10 December 2020.

Identity and Biometrics Division provides national leadership and guidance on matters of identity and biometrics. Identity and Biometrics Division supports policy, operational and decision-making capabilities across the Portfolio, Commonwealth agencies, states and territories, and the broader community. This is achieved through the provision of expert services, capability development and policy and procedural guidance to enhance the Australian "identity infrastructure" to facilitate services and reduce identity crime and fraud.

In 2021, the Division's key priority is to continue expanding collection of biometrics offshore or pre border from all visa applicants as part of the Department's work to transform our system of identity from the traditional biographic and paper-based processes to biometrically anchored trusted and secure identities.

Intelligence Division supports, through the provision of intelligence products and analysis, the Secretary and the Commissioner of the Australian Border Force in the discharge of their responsibilities, and is the fundamental enabler of the security of Australia's border and the integrity of the visa and citizenship programs. The division operates under a strict legislative framework with the Customs Act 1901, the Migration Act 1958, the Australian Border Force Act 2015 and the Privacy Act 1988 being the most relevant. The division does not undertake covert or clandestine intelligence collection activities, the products that it prepares use information collected by the Australian Border Force, such as incoming passenger cards and cargo manifests, and intelligence programs such as visa applications. Intelligence collected by other agencies, such as ACIC, AUSTRAC, and national security intelligence agencies also enables and supports the work of the division.

The Regional Processing and Resettlement Taskforce leads Australia's role in the implementation of regional processing arrangements in Nauru and Papua New Guinea (PNG), third country resettlement arrangements with the United States and exploration of other prospective arrangements.

OFFICIAL

Key priorities for the Taskforce in 2021 include: supporting the Governments of Nauru and PNG to resolve the regional processing populations in their countries; s. 33(a)(iii), s. 47E(d)

; and
evolving regional processing in Nauru through establishing an enduring regional processing capability by 1 July 2021.

Australia's 2020 Cyber Security Strategy

Key Highlights

Australia's Cyber Security Strategy 2020 was released on 6 August 2020 by the Minister for Home Affairs. The Strategy invests \$1.67 billion to strengthen the security and resilience of Australia's critical infrastructure, ensure law enforcement agencies have the powers and technical capabilities to detect, target, investigate and disrupt cybercrime, assist businesses to protect themselves and raise the community's awareness of cyber security. A major component of the Strategy includes a \$1.35 billion package known as Cyber Enhanced Situational Awareness and Response (CESAR), to enhance the cyber security capabilities and assistance provided to Australians through the Australian Signals Directorate (ASD) and the Australian Cyber Security Centre.

Overview

Cyber security threats are increasing in scale and sophistication. Nation states and criminals are exploiting Australians by accessing sensitive information and for financial gain. Criminals are using the dark web to buy and sell stolen identities, illicit commodities, ransomware software and child exploitation material, as well as to commit other crimes.

Australia's Cyber Security Strategy 2020 invests \$1.67 billion over 10 years to create a more secure online world for Australians, their businesses and essential services. It will be delivered through:

- Action by governments to strengthen the protection of Australians, businesses and critical infrastructure from the most sophisticated threats.
- Expectations of businesses to secure their products and services and protect their customers from known cyber vulnerabilities.
- Expectations by the community to practice secure online behaviours and make informed purchasing decisions.

Progress

As Minister for Immigration, Citizenship, Migrant Services & Multicultural Affairs, you can play a role in creating a strong cyber security industry in Australia. You can do this through the migration program by encouraging global talent in building Australia's technology and cyber security workforce. Initiatives of immediate interest to your responsibilities include:

- The Department is leading discussions with the Department of Industry, Science, Energy and Resources, and the Department of Education, Skills and Employment to develop a voluntary accreditation framework for tertiary institutions, enabling businesses to have confidence in building a workforce skilled in cyber security.
- The Department is working with the Australian Cyber Security Centre and other stakeholders to progress the \$4.9 million cyber security awareness raising initiative for Australian families and small businesses. This includes awareness raising initiatives for migrant and Culturally and Linguistically Diverse communities.

OFFICIAL

- s. 47C(1)

Since the release of the Cyber Security Strategy in August 2020, implementation of several key initiatives are complete or underway.

- In September 2020, the Australian Government released the voluntary Code of Practice: Securing the Internet of Things for Consumers. The code is aimed at providing manufacturers and developers of products with guidance on uplifting the security of products for Australian consumers. It provides certainty for business including those seeking to invest in or bring workers into Australia.
- An Industry Advisory Committee was established by the Minister of Home Affairs on 20 October 2020 to ensure that industry plays a continuing role in shaping the delivery of actions set out in the Strategy. Industry Advisory Committee members are listed in Attachment A. You may wish to talk to the Committee in 2021 about skills attraction through the migration program.
- As part of the reforms to protect critical infrastructure and systems of national significance, on 10 December 2020 the Security Legislation Amendment (Critical Infrastructure) Bill 2020 was introduced to Parliament. You are provided with a separate briefing on this initiative.
- In December 2020, the Department will finalise the recruitment of 15 outreach officers for the Joint Cyber Security Centres to support cyber security engagement with businesses and communities in the states and territories. These officers will be able to engage with Culturally and Linguistically Diverse Communities in an effort to improve their cyber security.
- The Cyber Security Best Practice Regulation Taskforce has been established to work with businesses on possible legislative changes that clarify obligations for businesses to protect themselves and their customers from cyber security threats. This may increase the demand for cyber skills in the economy and consequently the migration program.

Outlook

The Cyber Security Strategy 2020 will benefit all Australians. Families and businesses will have increased access to reliable cyber security advice and assistance. The Government will boost law enforcement's capacity to combat cyber criminals, improve threat information sharing with industry and support initiatives to grow a skilled cyber workforce. Working in partnership with owners of critical infrastructure, the Government will bolster the security protecting the critical systems.

OFFICIAL

Attachments

A: Industry Advisory Committee biographies

Contact Details

Name: Marc Ablong PSM

Deputy Secretary, National Resilience and Cyber Security Group

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Attachment A

Industry Advisory Committee

Mr Andrew Penn

Mr Penn is Chief Executive Officer and Managing Director at Telstra, Australia's largest telecommunications company. He has had an extensive career spanning 40 years across three industries - telecommunications, financial services and shipping - and is a supporter of numerous charitable and social causes.

Ms Cathie Reid

Ms Reid is the Chair of AUCloud and Co-Founder of Icon Group, a provider of integrated cancer care services with operations in Australia, Singapore, New Zealand and China and served as Digital Advisor to the Icon Group board until July 2020. She is also the Managing Partner of Australia's Epic Pharmacy Group. Ms Reid was honoured with a Member of the Order of Australia (AM) in June 2019 for significant service to healthcare delivery and philanthropy, after being named in the Top 100 Women of Influence by the AFR in 2013, winning the National Telstra Business Women's Award in 2011 and recognized by Monash University with a Distinguished Alumni Award for Professional Achievement in 2012.

Mr Darren Kane

Mr Kane has been the Chief Security Officer (CSO) at NBN Co since March 2015. As CSO, Mr Kane has sole accountability for enterprise-wide management of all security risks in Australia's biggest infrastructure project. His career has included 13 years with the Australian Federal Police and 6.5 years with the Australian Securities and Investments Commission. Mr Kane moved to Telstra in 2004 where he completed 11 years in varied management roles culminating in 4.5 years as Director, Corporate Security and Investigations.

Mr Chris Deeble AO CSC

Mr Deeble is Chief Executive of Northrop Grumman Australia, a provider of cyber security solutions to Australia's Defence Force. Prior to this he worked for Airservices Australia and served in the Australian Defence Force. In 2007 he was awarded the Conspicuous Service Cross. In 2016 he was appointed as an Officer of the Order of Australia for distinguished service to the Australian Defence Force.

Mr Bevan Slattery

Mr Slattery is chairman of FiberSense, a provider of continuous asset protection using virtual sensor technology over existing fibre optic networks protecting telecom, energy and other critical infrastructure assets. Mr Slattery has been heavily involved in the construction and operation of some of digital

OFFICIAL

infrastructure in Australia including hyperscale data centres, international submarine cables and fibre optic networks for the past few decades and has been at the forefront of its continued expansion.

Ms Corinne Best

Corinne leads the Trust and Risk Business at PricewaterhouseCoopers Australia (PwC) and is a member of the Executive Board. She is a Digital and Risk Professional and has been working in her field for over 22 years specialising in banking, insurance, technology and telecommunications. She is passionate about cultivating diverse and inclusive teams who are relentlessly focussed on building trust in our community and is also a supporter of charitable organisations in the Sydney area.

Mr Patrick Wright

Mr Wright is the Group Executive for Technology and Enterprise Operations at NAB. He was appointed to the role in April of 2017. Prior to joining NAB Mr Wright was Global Chief Operating Officer for Barclaycard and Chief Operating Officer for Barclays Americas. He has 30 years of experience in the banking and technology sectors. Mr Wright relocated to Melbourne from Philadelphia in the United States when he started with NAB.

Ms Rachael Falk

Ms Falk is Chief Executive Officer of the Cyber Security Cooperative Research Centre and leads a cutting-edge program of cyber security research collaboration between government, industry and research institutions. The aim is impact, lifting Australia's cyber security capacity and capability and creating innovative solutions for the ever-evolving problems of our interconnected world. She was Telstra's first General Manager of Cyber Influence and has a background in commercial law and cyber security, practising as a lawyer at top-tier firms in Australia and the UK and in-house for Telstra. She has also worked as a cyber security consultant and is co-author of Five Knows of Cyber Security, setting an industry standard for organisational cyber security best-practice.

Professor Stephen Smith

Professor Smith is Chair of the Advisory Board, University of Western Australia Public Policy Institute and Chair of the UWA Defence and Security Committee.

He is currently the Chairman of Sapien Cyber, Chair of the Strategic Advisory Group for archTIS and a member of the Board of the Perth USAsia Centre and a Member of the Board of AROSE. Professor Smith was Federal Member for Perth for the Australian Labor Party from March 1993 until September 2013. In a distinguished career spanning 20 years in the Australian Federal Parliament, Professor Smith served as the Minister for Defence, and prior to that, as Minister for Foreign Affairs and Minister for Trade. Following his retirement from the Australian Parliament in 2013, Professor Smith became a member of the

OFFICIAL

EY (Ernst and Young) Oceania Government and Public Sector Advisory Board, Chair of the Asia Desk and a member of the Advisory Board of Perth Law firm Lavan, and a member of the Board of Hockey Australia.

Mr David Tudehope

David is Chief Executive and co-founder of Macquarie Telecom Group. He is responsible for overseeing the general management and strategic direction of the Group and is actively involved in the Group's participation in regulatory issues. He is a member of the Australian School of Business Advisory Council at the University of NSW and was a member of the Australian Government's B20 Leadership Group. David holds a Bachelor of Commerce degree at the University of NSW and Harvard Business School's Advanced Management Program 173. In 2011, the Australian Telecommunication Users Group awarded David the Charles Todd Medal for leadership in the telecom industry. In 2018 at the 12th Annual ACOMM telecom industry awards, David received the highest award, Australian Communications Ambassador.

Critical Infrastructure and System of National Significance Reforms

Key Highlights

The Minister for Home Affairs, the Hon Peter Dutton MP, is responsible for safeguarding Australia's critical infrastructure, and managing the complex and evolving national security risks stemming from foreign involvement in Australia's critical infrastructure. The Minister for Home Affairs has powers under the Security of Critical Infrastructure Act 2018 and the Telecommunications Sector Security Reforms. The Department also works collaboratively with critical infrastructure owners and operators through the TISN, to ensure the continued operation of critical infrastructure in the face of all hazards.

Overview

In response to evolving threats and risks to Australia's critical infrastructure in a post-COVID world, on 10 December 2020, the Government introduced the Security Legislation Amendment (Critical Infrastructure) Bill 2020 (the Bill) into Parliament. This enhanced regulatory framework to be introduced by the Bill will build on existing requirements in the *Security of Critical Infrastructure Act 2018* by introducing:

- a Positive Security Obligation for critical infrastructure, including a risk management program, to be delivered through sector-specific requirements, and mandatory cyber incident reporting;
- enhanced cyber security obligations for those assets most important to the nation, described as systems of national significance; and
- Government Assistance to relevant entities for critical infrastructure sector assets in response to significant cyber attacks that impact on Australia's critical infrastructure assets.

The regulatory framework will be underpinned by enhancements to Government's existing voluntary education, communication and engagement activities – re-launching the TISN and a revised Critical Infrastructure Resilience Strategy in early 2021.

These reforms were developed through extensive consultation with industry and states and territories over many months.

Consultation on critical infrastructure through the Cyber Security Strategy

The Cyber Security Strategy discussion paper 'A call for views' was released on 6 September 2019.

Amongst other matters, the discussion paper sought views on how to better proactively manage cyber risks on essential private networks and what private networks need stronger cyber defences.

On 21 July 2020, the Cyber Security Strategy Industry Advisory Panel released their final report. Amongst the report's 60 recommendations, the Industry Advisory Panel recommended that the Australian Government:

- review the definition for critical infrastructure;
- introduce reasonable, principles-based requirements for owners and operators of critical infrastructure; and
- work with industry to agree where it would be necessary for Government to provide reasonable assistance during a cyber security emergency.

Targeted consultation

The Department has been engaging with industry and states and territories to design the detail to give effect to the reforms. On 12 August 2020 the Minister for Home Affairs released the Protecting Critical Infrastructure and Systems of National Significance Consultation Paper detailing the elements of the reforms.

Following the release of the Consultation Paper, the Department embarked on a five week public consultation period, structured to focus on key stakeholders, including businesses, peak bodies and state and territory agencies that could be impacted by the proposed regulations. During this period the Department spoke with over 2000 participants from over 500 entities at town halls, sector-specific workshops and bilateral meetings to support the development of the reforms, including working together to develop the sector-specific thresholds. The Department received 194 submissions to the Consultation Paper.

In response to widespread stakeholder interest the Department commenced a further round of consultation in early November on the Exposure Draft package of the Bill. Over this three week consultation period the Department spoke to over 1000 individuals and received 129 submissions on the Exposure Draft package.

Legislation Framework

The Department manages risk in critical infrastructure through a range of regulatory and non-regulatory mechanisms, including:

- Exercising regulatory functions under the Security of Critical Infrastructure Act 2018, which currently manages risk in the electricity, gas, water and maritime ports sectors;
- Exercising regulatory functions under the Telecommunications Sector Security Reforms (TSSR) (which introduced new provisions into the Telecommunications Act 1997), which manages risk in the telecommunications sector;
- Providing national security risk advice on proposed acquisitions of critical infrastructure assets under the Foreign Acquisitions and Takeover Act 1975; and
- Building industry resilience and supporting it to take action on resilience and security, primarily through the TISN, which includes membership across all critical infrastructure sectors.

Stakeholders / Forums

The Department regularly engages with State and Territory government agencies, regulators and industry to support their understanding and management of risk through the Trusted Information Sharing Network (TISN). International engagement occurs with Five Eyes countries through the Critical Five (C5), Ottawa Five (O5) and Five Country Ministerial processes, as well as via bilateral engagement.

Outlook

Following the 10 December 2020 introduction of the Bill to Parliament and referral to the Parliamentary Joint Committee on Intelligence and Security on 18 December 2020, the Department is preparing materials to support the Bill's consideration by the Committee and Parliament.

Home Affairs is now working on a number of lines of effort to implement the reforms. Alongside continued work to facilitate consideration of the Bill by the PJCIS and Parliament in early 2021, these bodies of work include: the development of guidance and advice for industry on how the different aspects of the regime will work in practice; the co-design of sector specific requirements for the Risk Management Program with industry; the development of rules for specific definitions outlined in the Bill s. 47C(1)

to ensure Home Affairs and existing regulators (where applicable) has the capabilities and technology to effectively and efficiently implement these reforms.

To ensure the implementation of the reforms reduces regulatory burden and minimises duplication with existing regulatory frameworks, the Department will run a sector-by-sector approach to co-design through engagement with industry peak bodies, existing regulators, state and territory governments, and critical infrastructure entities.

Contact Details

Name: Marc Ablong

Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @homeaffairs.gov.au

Intelligence Capability

Key Highlights

The Department's intelligence capability (enacted through Intelligence Division) supports the delivery of the operational and policy outcomes of the Department and the Australian Border Force (ABF), and is a fundamental enabler of the security of Australia's border and the integrity of Australia's migration programs. Intelligence Division provides intelligence analysis and support to border and migration programs, to support decision-making that ensures stakeholders are aware of the key threats in their operating environments.

Overview

The Intelligence Division, supports, through the provision of intelligence products and analysis, the Secretary and the Commissioner of the Australian Border Force in the discharge of their responsibilities, and is the fundamental enabler of the security of Australia's border and the integrity of the visa and citizenship programs.

Current Situation

Intelligence Division has three branches:

- Intelligence Enabling and Governance Branch delivers several business enabling and specialist capabilities, including an online and geospatial intelligence capability.
- Intelligence Services and Threat Discovery Branch is responsible for delivering a number of intelligence programs—including the Department's Border Watch allegation program—and for discovering previously unknown threats.
- Targeting and Operations Support Branch provides threat assessments and advice across all key border threats and delivers operational and tactical intelligence support directly to Department and ABF migration functions.

Threats to the Australian border continuum continue to evolve, with capable threat actors demonstrating their ability to adapt their operations in response to changing border responses. Increasingly sophisticated and capable intelligence capabilities are required to keep up with this evolution.

Intelligence Division leverages extensive data holdings from across the Department, and the ABF to provide intelligence that enables operational and policy outcomes for the Department and the ABF. The Division is geographically dispersed with a presence in each state and territory, and works closely with partners across the Home Affairs Portfolio, state and territory law enforcement, and domestic and international intelligence partners.

Legislation Framework

The Home Affairs intelligence capability operates under a strict legislative framework, with the *Customs Act 1901*, the *Migration Act 1958*, the *Australian Border Force Act 2015* and the *Privacy Act 1988* being the most relevant. The Intelligence Division does not undertake clandestine or covert intelligence collection activities; its analysis and assessments primarily use information collected by the ABF and the migration program. Information collected by other intelligence agencies, such as ACIC and AUSTRAC, also enables the work of Intelligence Division.

The Division is subject to oversight from the parliament, including through the estimates processes and any other committee processes that the parliament may establish, as well as by ACLEI, the Commission for Law Enforcement Integrity; the Australian National Audit Office; the Commonwealth Ombudsman; the Australian Human Rights Commission; and other statutory bodies which have an oversight role in relation to the department generally. The division is also subject to the FOI Act

Stakeholders / Forums

Intelligence Division's key stakeholders include all Departmental Groups, the ABF, Home Affairs Portfolio agencies, NIC agencies, international partners and their peer agencies, and Operation Sovereign Borders. The key governance boards administered by Intelligence Division are the Intelligence Coordination Board (Band 2 Committee) and the Intelligence Capability Program Board. Intelligence Division is also a member of various departmental, Portfolio, NIC and international forums, including NIC committees such as Heads of Intelligence Agencies Meeting, Intelligence Management Committee, and Mission Intelligence Integration Groups. The Division is also a member of the Five Eyes Heads of Intelligence grouping, comprising border and immigration counterpart agencies.

Outlook

Intelligence Division is increasing and evolving its focus and activities in a number of areas that support the migration program. Of note, it has an emerging focus on discovering threats—including national security threats—that cross multiple streams in the migration program through data-driven intelligence analytics. Further, it has increasing collaboration with both domestic and international intelligence partners on identifying threats to support the migration program to take appropriate administrative action to mitigate risks.

OFFICIAL

The intelligence capability will require agility to remain capable of supporting the increasing complexity of the Department and ABF's activities across a range evolving threats, in order to enable intelligence-informed risk based decision-making. Intelligence Division will continue to develop new enterprise approaches, while prioritising additional responsibilities that support the growing demand for its services within the Home Affairs Portfolio. It will also lead the NIC's efforts to facilitate secure borders and enhance the integrity and efficiency of trade and travel systems.

Contact Details

Name: Marc Ablong
Deputy Secretary

Contact: [02 s. 22\(1\)\(a\)\(ii\)](#)
[s. 22\(1\)\(a\)\(ii\)](#) @homeaffairs.gov.au

Operation Sovereign Borders

Key Highlights

Operation Sovereign Borders (OSB) has successfully suppressed, but not defeated, the threat to the integrity of Australia's borders and potential loss of life at sea posed by people-smuggling enterprises.

s. 33(a)(i)

Overview

OSB was established in 2013 as a Whole-of-Government enterprise to protect the integrity of the Australian border, and prevent loss of life at sea by denying an irregular pathway to settlement in Australia, and deterring vulnerable people from attempting dangerous maritime ventures.

The current Commander Joint Agency Task Force (JATF) OSB is Rear Admiral Mark Hill CSC, RAN, who coordinates the efforts of 16 contributing departments and agencies across the operational, intelligence and policy domains, to deliver a coherent, multi-layered approach in achieving the denial and deterrence effects. Rear Admiral Hill is also the current commander of Australian Border Force's Maritime Border Command (MBC). Fundamental to the success of the OSB mission are three pillars:

- a. Disruption and deterrence activities underpinned by a strategic communications campaign (OSB led);
- b. On water operations, to return potential illegal immigrants to source and transit countries, where appropriate (OSB led); and
- c. Regional processing to enable resettlement in third countries (led by Department of Home Affairs).

JATF OSB utilises these pillars by coordinating the delivery of six core effects—deterrence, disruption, detection, interception, return and resettlement. Delivery of these effects through a multi-layered, multi-agency approach is achieved through the following activity streams:

- a. *Deterrence and Disruption* – led by the Australian Federal Police (AFP), this stream aggregates the efforts of the National Intelligence Community and law enforcement agencies, in conjunction with offshore partners, to disrupt and deter maritime people smuggling ventures in source and transit countries. Disruption and deterrence activities are underpinned by an offshore communication campaign focused on ensuring that vulnerable people considering engaging the services of people-smugglers are aware of our strong border protection policies and the risks in undertaking such journeys.
- b. *Detection, Interception and Transfer* – the Detection, Interception and Transfer Task Group is led by the ABF MBC, in cooperation with the Australian Defence Force (ADF). It coordinates aerial surveillance and maritime patrols to detect people smuggling vessels, and return the people aboard to their country of departure or country of origin. The safety of Australian Government officers and those on intercepted vessels is a paramount consideration during all operations, which are conducted in accordance with international obligations and domestic law.

Returns occur through one of the following mechanisms:

OFFICIAL

- an enforced turn-back—which involves the safe removal of a vessel from Australian waters;
 - a takeback—where Australia works with a country of departure or origin to achieve the safe return of passengers and crew; and
 - assisted returns—in some circumstances Australian Government vessels may be called upon to assist persons in a Safety of Life at Sea (SOLAS) situation.
- c. *Regional Processing, Return and Resettlement* – individuals who cannot be returned to their country of departure or origin are transferred 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 country other than Australia. This effect is delivered by the Department of Home Affairs (please refer to the departmental brief on *Regional Processing and Resettlement*).

Current Situation

The threat to the integrity of Australia's borders and potential loss of life at sea posed by people smuggling enterprises is suppressed but not defeated. Consequently, the risk of large-scale people smuggling restarting, along with the loss of control of our borders, remains.

Since the commencement of OSB in September 2013, 23 people smuggling ventures carrying 1,309 people have arrived in Australia that were unable to be returned to their country of origin or departure. The last successful maritime people smuggling venture to Australia arrived in July 2014, at which time all 157 persons on board were transferred to Nauru. A people smuggling venture also reached Australia in August 2018 in the vicinity of the Daintree, although all 17 persons on board were rapidly returned to their country of departure.

Between 19 December 2013 and 18 December 2020, 873 people aboard 38 maritime people smuggling ventures have been returned to their countries of origin or departure by Australian authorities under OSB. It has been over seven years since the last known death at sea en-route to Australia. Furthermore, since the commencement of OSB to 15 December 2020, close cooperation with regional partners has resulted in disruptions of an additional 83 maritime people smuggling ventures, 2,665 potential illegal immigrants and 633 arrests in source and transit countries.

JATF OSB Headquarters is made up of a core of eleven (11) staff, augmented by additional staff dedicated to the intelligence and strategic communications portfolios as required.

Legislative Framework

OSB operates in compliance with all domestic and international law obligations in the regulation of people smuggling vessels and vulnerable people who undertake irregular maritime journeys, including international human rights law, refugee law and the law of the sea, relying on advice from the Department's Legal Division, the Attorney-General's Department and the Australian Government Solicitor. In specific relation to on-water activities, OSB utilises the *Maritime Powers Act 2013* for the interception, boarding and searching

of vessels. For activities within the migration zone, OSB operates under various Acts, including the *Migration Act 1958* and the *Customs Act 1901*.

Stakeholders/Forums

OSB comprises representatives of the following 16 government departments and agencies: Department of the Prime Minister and Cabinet; Department of Foreign Affairs and Trade; Department of Defence; Department of Home Affairs; Attorney-General's Department; Australian Defence Force; Australian Border Force; Maritime Border Command; Office of National Intelligence; Australian Signals Directorate; Australian Secret Intelligence Service; Australian Security Intelligence Organisation; Australian Geospatial Intelligence Organisation; Australian Criminal Intelligence Commission; Australian Federal Police; and the Australian Maritime Safety Authority.

OSB is supported by a range of officials-level inter-departmental forums, s. 33(a)(i)

Outlook

With more than approximately 79.5 million people displaced globally, 2.09 million regionally¹, and Australia remaining an attractive destination, regular and irregular migration challenges will persist. While there has been a sustained reduction in maritime people smuggling ventures reaching Australia since OSB was established, retaining the OSB construct as an ongoing capability with effective interagency engagement, command coordination and oversight will ensure our agility to respond to future people smuggling challenges.

Contact Details

Name: Rear Admiral Mark Hill CSC, RAN Commander Joint Agency Taskforce Operation Sovereign Borders

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @abf.gov.au

Name: Tony Smith, Acting Commander Joint Agency Taskforce Operation Sovereign Borders

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @abf.gov.au

¹ Sourced from UNHCR Global Trends 2019 – <https://www.unhcr.org/en-au/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html> (accessed 18 December 2020)

Regional Processing and Resettlement

Key Highlights

Regional processing of illegal maritime arrivals (IMAs) is a key pillar of Operation Sovereign Borders. Regional processing provides significant deterrence impact to potential illegal immigrants and, teamed with third country resettlement, has reinforced the policy setting that IMAs will not settle in Australia.

Overview

Nauru and Papua New Guinea (PNG) were designated as regional processing countries in 2012 and arrangements were agreed with both countries to receive IMAs from Australia for the regional processing of their protection claims. Since 2012, 4,177 IMAs have been transferred to Nauru and PNG (3,127 under current policy settings for IMAs arriving since 19 July 2013).

As at 20 December 2020, there are 282 transferees under offshore regional processing arrangements (145 in Nauru and 137 in PNG), and a further 1,185 transitory persons (including 270 minors) temporarily in Australia for medical treatment and related activities.

Regional processing arrangements, and the management of transferees under those arrangements in Nauru and PNG, is the responsibility of the respective governments. Australia does not have effective control over regional processing arrangements, but supports and assists the Governments of Nauru and PNG to implement arrangements through the engagement of specialist service providers, capacity building, mentoring and training. There are no minors in regional processing countries. No one under regional processing arrangements is in held detention.

Transferees determined by Nauru or PNG to be refugees currently have access to migration outcomes including: resettlement in the United States (at 20 December 2020, 901 refugees resettled) or another third country; settlement in PNG; or voluntary return home or to a country to which they have right of entry with assistance. Transferees not in need of protection are expected to return to their home country, or will be removed by Nauru and PNG under their respective domestic legislation.

Current Situation

The Government remains committed to regional processing arrangements. The Department is working with Nauru and PNG to resolve the residual caseload s. 33(a)(iii), s. 47E(d). This action will support Government's directions to:

- s. 33(a)(iii), s. 47E(d) ; and
- establish an enduring regional processing capability in Nauru s. 33(a)(iii), s. 47E(d) commencing from 1 July 2021. A major procurement is underway for Enduring Capability services.

The United States (US) resettlement arrangement remains active, with the US continuing to assess cases, hand down decisions and effect departures from Nauru, PNG and Australia. This arrangement is likely to end in mid-2021.

Legislation Framework

The legislative framework for regional processing is embedded in the *Migration Act 1958*, which includes powers to take an IMA to a regional processing country (section 198AD), and the bringing of transitory persons to Australia for a temporary purpose (section 198B) and their return to a regional processing country (sections 198AH and 198AD).

Various legal matters are before the courts regarding the ongoing detention of transitory persons in Australia, with claims of unlawful detention based on assertions that no action is being taken to return persons who have made requests to do so, as well as actions seeking orders to prevent the return of transitory persons to Nauru or PNG.

Stakeholders / Forums

Regional processing is subject to regular independent scrutiny by the United Nations High Commissioner for Refugees, the International Committee for the Red Cross, the Commonwealth Ombudsman, Comcare, Australian Human Rights Commission and the Australian National Audit Office. Regional processing arrangements have been the subject of numerous parliamentary inquiries, and independent reviews. Regular senior officials meetings are held with senior Nauru and PNG officials to progress arrangements.

s. 33(a)

(iii), s.

47E(d)

The management of transitory persons in Australia is administered in line with the Government policy setting that no IMA will settle permanently in Australia. Transitory persons are managed in held detention, or through residence determination or final departure bridging visas. Transitory persons are encouraged to pursue third country migration options from Australia.

OFFICIAL

s. 33(a)(i)

Contact Details

Name: Marc Ablong
Deputy Secretary

Contact: [02](#) s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @homeaffairs.gov.au

International engagement

Key Highlights

Due to COVID-19, international visits have been postponed with key engagements occurring virtually. At this time you have no in-person or virtual engagements scheduled.

Overview

Since March 2020, COVID-19 related travel restrictions were put in place, resulting in the majority of planned international travel being postponed indefinitely. As travel restrictions continue, bilateral outcomes have been pursued through virtual meetings, exchange of letters and other similar measures in lieu of in-person meetings.

By way of comparison, from March-November 2019, portfolio Ministers undertook a combined total of five official international visits. From March-November 2020, portfolio Ministers undertook a combined total of four official international engagements, three of which were held as virtual meetings in lieu of official travel.

A list of international travel and virtual meetings held in lieu of international travel undertaken by the Minister for Home Affairs from 1 March 2020 to 1 December 2020 is at [Attachment A](#).

The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs and Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs did not undertake any international travel during this time.

Current Situation

There are currently no Ministerial-level international engagements scheduled for you for 2021. This information is subject to change and your office will be provided with updates as appropriate.

Attachments

Attachment A – International travel and virtual meetings held in lieu of international travel undertaken by the Minister for Home Affairs.

Contact Details

Name: Marc Ablong
Deputy Secretary

Contact: [02](#) [s. 22\(1\)\(a\)\(ii\)](#)
[s. 22\(1\)\(a\)\(ii\)](#) @homeaffairs.gov.au

ATTACHMENT A

**International travel and virtual meetings held in lieu of international travel
undertaken by the Minister for Home Affairs
1 March 2020 – 1 December 2020**

Date	Country	Details of engagement	Type
04-08 March 2020	Washington D.C., United States of America	The Minister attended the public launch of the voluntary principles to counter online sexual exploitation and abuse. The Minister also undertook bilateral meetings and a media engagement with the US Today show.	In person
18 June 2020	United States of America, United Kingdom, New Zealand, Canada	The Minister and Secretary participated in a Five Country Ministerial virtual meeting.	Virtual
27 October 2020	Indonesia	The Minister participated in the Indonesia-Australia Ministerial Council on Law and Security.	Virtual
1 December 2020	Indonesia	Sub Regional Meeting on Counter Terrorism and Transnational Security.	Virtual