



Australian Government
Department of Home Affairs

Incoming Minister Brief Volume Two

The Hon Karen Andrews MP
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Strategy and Law Enforcement Group

Group Overview and Group Priorities

The Strategy and Law Enforcement Group is comprised of five 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:

- developing legislative amendments to progress priority reforms for law enforcement and criminal intelligence agencies, including amendments to:
 - s. 47E(d) [REDACTED]
 - s. 47E(d) [REDACTED]
 - give the ABF the necessary tools to perform its functions as a modern, integrated border agency;
- administering the Safer Communities Fund (SCF) grants program round six, which was allocated \$35 million (including administration costs) over four years from 2020-21 to 2023-24 to provide grants to local councils and community organisations for crime prevention initiatives;
- providing strategic policy advice and secretariat support for the Australian Transnational, Serious and Organised Crime (TSOC) Committee, which monitors and oversees the implementation of the National Strategy to Fight TSOC; and
- reforming Australia's anti-money laundering and counter-terrorism financing regulatory regime to increase its efficiency and effectiveness in line with the recommendations of domestic and international reviews.

Electronic Surveillance Reform Taskforce (the Taskforce)

Develops legislation on national security and intelligence issues, and advises on national security policy.

The Taskforce's priorities for 2021 include:

- finalising negotiations of a cross-border access to data (CLOUD) agreement with the United States (US), and supporting passage of the Telecommunications Legislation Amendment (International Production Orders) Bill 2020, to introduce a framework for obtaining telecommunications data directly from US-based providers;
- progressing development of (and public consultation on) new electronic surveillance legislation to replace the powers 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*. This will implement a central recommendation from the Richardson Review of the Legislative Framework of the National Intelligence Community; and
- 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.

Aviation and Maritime Security Division

Regulates the aviation, maritime transport and offshore oil and gas sectors, preventing unlawful interference through compliance activities, industry engagement, policy development and capacity building. The Division's priorities for 2021 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; and
- implementing reforms to the aviation and MSIC schemes to introduce criminal intelligence into the background checking process.

Strategy Division

Provides strategic guidance and advice across the Home Affairs Portfolio. The Division's priorities for 2021 include:

- developing the Department's 2021 Strategic Outlook and Strategic Guidance documents;
- developing the Home Affairs Capability Plan which provides a long-term strategic view of future capability requirements for the Portfolio;
- developing the Department's Capability Strategy which includes progressing two major capability projects for the ABF – the Future Maritime Surveillance Capability and the Maritime Response Capability;
- provision of economic analysis and advice on Portfolio activities from the Chief Economist; and
- delivery of the Portfolio's Scenario Planning work program, which provides capability to analyse current and future strategy and policy challenges, and identify potential courses of action.

Data Division

Supports the Department and the ABF to make well-informed and insightful decisions through the legitimate use of data and analytics. It also oversees and supports the Department's provision of information under the *Freedom of Information Act 1982*. The Division's priorities for 2021 include:

- increasing the use of data and artificial intelligence through the exploitation of the Department's big data and advanced analytics platform, the Connected Information Environment;
- ongoing transition to improved data management through implementation of the Department's Data Operating Model; and
- reviewing freedom of information processes and practices to identify and implement performance improvements in order to better anticipate and meet public demand for information.

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Richardson Review and Electronic Surveillance Reform

Key Highlights

The Department is coordinating the implementation of Government's response to the Comprehensive Review of the Legal Framework of the National Intelligence Community, conducted by Dennis Richardson AC (Richardson Review). The centrepiece recommendation was the establishment of a new legal framework to govern the electronic surveillance activities of intelligence and law enforcement agencies.

Overview

On 4 December 2020, the former Attorney-General released the unclassified report of, and Government response to, the Comprehensive Review of the Legal Framework of the National Intelligence Community, conducted by Dennis Richardson AC (**Richardson Review**).

The Government agreed in full, in part or in principle to 186 of 190 unclassified recommendations. 13 recommendations were not released due to their classification (Government agreed, agreed in principle or noted these recommendations). The Comprehensive Review made a number of recommendations relevant to the Home Affairs portfolio, including in relation to oversight, freedom of information and intelligence and law enforcement agency powers.

The centrepiece recommendation was the establishment of a new legal framework to govern the electronic surveillance activities of national security and law enforcement agencies. The Richardson Review found that the existing electronic surveillance framework is outdated, complex and inflexible in meeting contemporary challenges.

Current Situation

The Department of Home Affairs is coordinating the implementation of Government's response to the Richardson Review, as approximately half of the recommendations relate to the Home Affairs Portfolio.

The Department is responsible for leading the development of the new legal framework for electronic surveillance. This will be the most significant reform to national security legislation in over four decades.

The Richardson Review expected the development of this reform would require additional resourcing and take between two and three years, with a further two-year implementation period. The new legislation will be streamlined, future-proof and technology-neutral. It will provide consistent thresholds for the use of relevant powers, and will be subject to robust legal controls and safeguards, and effective oversight.

The Intelligence Oversight and Other Legislation Amendment (Integrity Measures) Bill 2020, which is currently before Parliament, is consistent with the Richardson Review's recommendation on Inspector-General of Intelligence and Security (IGIS) oversight. The Integrity Measures Bill extends IGIS oversight over the ACIC and AUSTAC. The Richardson Review recommended against extending IGIS

oversight over the Department and the AFP (but did not make a recommendation on ACIC and AUSTRAC).

The Department is working with agencies to prepare proposals for other targeted legislative reforms to intelligence agency powers as recommended by the Richardson Review.

Legislation Framework

You administer many of the Acts considered by the Richardson Review, including the *Australian Security Intelligence Organisation Act 1979*, *Telecommunications (Interception and Access) Act 1979*, *Surveillance Devices Act 2004*, *Australian Crime Commission Act 2002*, *Australian Federal Police Act 1979*, and parts of the *Intelligence Services Act 2001* and *Crimes Act 1914*.

Stakeholders / Forums

The Department's key stakeholders are ASIO, AFP, ABF, AUSTRAC, ACIC, Department of Defence, the Attorney-General's Department, the Office of the IGIS and the Office of the Commonwealth Ombudsman.

For the development of the new legal framework for electronic surveillance, the Department has initiated preliminary engagement with Commonwealth, state and territory departments and agencies who have legislative, policy or operational responsibility in relation to electronic surveillance powers. At the appropriate time, the Department will engage with the communication and technology industries, civil society and advocacy groups, international partners and the public to ensure those stakeholder perspectives also inform the development of the new framework.

Outlook

In January 2021 the Department stood up an interim Taskforce to begin developing the new legal framework for electronic surveillance. Subject to Government agreement, this will expand to become an inter-agency Taskforce tasked with developing and consulting on the new framework over two years from 1 July 2021.

National security bills which respond to Richardson Review measures are expected to be introduced during 2021.

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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

The Department contributes to the security and prosperity of Australia through effective compliance activities, industry engagement, policy development and capacity building in the aviation, maritime and offshore oil and gas sectors.

Current Situation

The Department has comprehensively recalibrated its National Compliance Plan to focus on emerging security risks and challenges created by COVID-19, while continuing to target compliance resources to those activities that have the most impact on improving transport security. This includes screening and clearing, access control, security management and identity security.

The *Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019* introduced a risk-based aviation security framework and screening threshold, based on aircraft seating capacity rather than weight. Under this framework, which came into effect on 19 December 2020, more passengers will be security screened, with fewer airports required to conduct screening. This strengthens aviation security overall while reducing the regulatory burden on small, lower-risk airports.

The Government has required all airports that conduct security screening to upgrade their passenger and baggage screening equipment to advanced X-ray and body scanner technology which detect a wider range of security threats. For security reasons, implementation timeframes are not made public.

Legislation Framework

Transport Security is governed by the *Aviation Transport Security Act 2004*, the *Aviation Transport Security Regulations 2005*, the *Maritime Transport and Offshore Facilities Security Act 2003* and the *Maritime Transport and Offshore Facilities Security Regulations 2003*.

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 Advisory Forum, Regional Aviation Security Advisory Forum, Air Cargo Security Industry Advisory Forum, International Civil Aviation Regional Aviation Security Coordination Forum – Asia Pacific and Maritime Industry Security Consultative Forum.

Outlook

The Department is working closely with the Department of Infrastructure, Transport, Regional Development and Communications (Infrastructure) on its COVID-19 aviation support packages, including the Domestic Airports Security Costs Support program. The Department is separately developing, with Infrastructure, a sustainable, ongoing support mechanism to assist regional aviation with the costs associated with security screening.

To enact the Government's critical infrastructure reforms, the Security Legislation Amendment (Critical Infrastructure Bill) 2020 was introduced to Parliament on 10 December 2020. Following on from this, the Department is developing the regulatory framework to implement these reforms for the aviation and maritime sectors.

In 2021, the Department will commence the introduction of the Screener Accreditation Scheme (the 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.

From 1 July 2021, domestic air cargo loaded onto regulated aircraft departing all Australian airports must have been examined at 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. An amendment to the policy to take into account the impact of COVID-19 on the aviation sector and better align it with the broader aviation security framework is currently under consideration.

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 assessments into the background checking process, following the passage of the Transport Security Amendment (Serious Crime) Bill 2020 (currently in the Senate). It is anticipated that debate on the Bill will resume in the May 2021 sittings.

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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 revenue. The Home Affairs 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 \$8.6 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 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 the ABF. 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 related to vaccine rollout), 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 Australian TSOC Committee – chaired by the AFP and comprising

senior officials from all Australian and New Zealand law enforcement and justice agencies, responsible for implementing the National Strategy to Fight TSOC.

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 (currently in the House of Representatives), 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;
- s. 47E(d)
[REDACTED]
- *Better enable ACIC to fulfil its role as Australia's national criminal intelligence agency* – legislative amendments are being developed to introduce a new information disclosure regime for ACIC, s. 47E(d)
[REDACTED]
- *Harmonised ABF powers* – s. 47E(d)
[REDACTED] The Department is working with the ABF to give the ABF 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. The next phase of AML/CTF reforms would simplify and streamline the current highly complex regime;
- *Funding under the Proceeds of Crime Act 2002 (POCA)* – you, as the Minister for Home Affairs, have authority to approve spending under the POCA to a maximum of \$40 million per financial year. \$26.2 million in projects has been committed in 2020-21, with a further \$5.6 million in projects to be provided for Ministerial consideration in April 2021;
- *Safer Communities Fund (SCF) grants program* – provides grants to local councils and community organisations for crime prevention initiatives (such as CCTV and youth early intervention projects). In the 2020-21 Budget, the Government allocated \$35 million (including administration costs) from POCA funding over four years from 2020-21 to 2023-24 to deliver round six of the SCF. Grant opportunity guidelines for round six of the SCF are currently with the Minister for Finance for approval and applications for funding are expected to open in the first half of 2021. In April 2021, the Australian National Audit Office will commence an audit to assess whether the award of funding under previous SCF rounds was effective and consistent with the Commonwealth Grants Rules and Guidelines;
- *Press Freedoms* – a mechanism that allows journalists and media organisations to consult with government agencies on the potential publication of national security classified information is being developed. Consultation on the proposed model is anticipated to occur shortly, subject to Government approval;
- *Parliamentary Privilege* – the Department is representing the Home Affairs Portfolio in the development of a new Memorandum of Understanding (MoU) between the Presiding Officers and the AFP on the Execution of Search Warrants on the Premises of Members of Parliament. The MoU will allow law enforcement agencies to investigate criminal offences, while providing clarity and

guidance on managing the interaction between executive agencies' exercise of investigative powers (including coercive powers) and parliamentary privilege;

- *Victorian Royal Commission into the Management of Police Informants* – a joint Home Affairs Portfolio response to the Victorian Government's implementation of recommendations from the Royal Commission is being developed to mitigate potential implications on human source capabilities by Commonwealth agencies; and
- *National Strategic Priorities to counter TSOC* – the Australian TSOC Committee is currently developing a set of National Strategic Priorities that will set strategic focus areas for Commonwealth, state and territory governments to guide counter-TSOC strategy, policy and capability development.

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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 legislative reviews.

Overview

The Department is currently leading engagement with the PJCIS on a number of ongoing inquiries, 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. On 21 September 2020, the Prime Minister wrote to the then Chair of the PJCIS 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 Situation

Inquiry into International Production Orders Bill

The PJCIS is reviewing the Telecommunications Legislation Amendment (International Production Orders) Bill 2020 (referred to the PJCIS on 12 March 2020). The Bill introduces a framework for Australia to give effect to future agreements for cross-border access to electronic data. Australia is currently negotiating such an agreement with the United States (US) for the purposes of the US Clarifying Lawful Overseas Use of Data Act. This would allow Australian agencies to request data directly from US providers. This would be significantly more efficient than the current reliance on government-to-government mutual legal assistance. The Department has supported the PJCIS review through submissions and public hearings/closed briefings. The PJCIS report was requested by 26 June 2020, but has not yet been received. Following receipt of the PJCIS report, the Bill must be debated in the Parliament. Passage of the legislation is required in order to enable Australia to finalise the agreement with the US.

Inquiry into Dark Web Law Enforcement Powers

The Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020 proposes new powers for the AFP and the ACIC to identify and disrupt serious crime online, including on the dark web. The Home Affairs Portfolio made a joint submission on 12 February 2021, and appeared at a public hearing alongside the Australian Signals Directorate on 10 March 2021. The Department will continue to support

this inquiry through supplementary submissions and responses to questions on notice. The former Minister for Home Affairs requested the PJCIS report by 5 March 2021. Subject to the delivery of the PJCIS report, the Bill may be able to be considered in the Winter 2021 sittings.

Inquiry into Critical Infrastructure Amendment Bill

On 10 December 2020, the Security Legislation Amendment (Critical Infrastructure) Bill 2020 was introduced to the Parliament. The reforms propose important enhancements to the existing critical infrastructure security regime. The former Attorney-General referred the Bill to the PJCIS on 18 December 2020, with a report sought by the end of the Autumn Sittings of 2021. The Department made a submission to the inquiry on 12 February 2021. A private briefing for the Committee was held on 16 March 2021, but the Committee is yet to set timing for public hearings. The PJCIS combined its statutory review of the operation, effectiveness and implications *Security of Critical Infrastructure Act 2018* with this inquiry.

Inquiry into Extended Supervision Orders Bill

On 3 September 2020, the Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020 was introduced to the Parliament. The Bill proposes a new framework for Commonwealth post-sentence supervision of high-risk terrorist offenders released into the community. 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. The requested reporting date was 1 October 2020.

Inquiry into Part 14 of the Telecommunications Act

On 4 September 2020, the PJCIS commenced a statutory review of the operation of Part 14 of the *Telecommunications Act 1997*. The review is considering Part 14 of the Act, to the extent that it was amended by the *Telecommunications and Other Legislation Amendment Act 2017* – Telecommunications Sector Security Reforms. The reforms commenced on 18 September 2018 and established a regulatory framework to manage the national security risks of espionage, sabotage and foreign interference to Australia's telecommunications networks and facilities. The issues being considered by the PJCIS in this review are related to the PJCIS' review into the Security Legislation Amendment (Critical Infrastructure) Bill 2020 and the *Security of Critical Infrastructure Act 2018*.

Inquiry into AFP powers

On 18 June 2020, the PJCIS commenced its statutory review of the operation, effectiveness and implications of police powers in relation to terrorism emergency powers, control orders, preventative detention orders and the continuing detention orders regime. The Department, Attorney-General's Department and AFP have provided a submission to, and appeared before the PJCIS. The PJCIS was

due to report by 7 January 2021, but has not yet handed down its report. The legislative provisions underpinning these powers will sunset on 7 September 2021.

Inquiry into extremist movements and radicalism in Australia

On 9 December 2020, the former Minister for Home Affairs referred terms of reference to the PJCIS for an inquiry into extremist movements and radicalism in Australia. The Department made a joint submission to the inquiry with the Department of Foreign Affairs and Trade and the Attorney-General's Department on 17 February 2021. The requested reporting date is 30 April 2021.

Inquiry into national security risks affecting the higher education and research sector

On 4 November 2020, the former Minister for Home Affairs referred terms of reference to the PJCIS for an inquiry into national security risks affecting the Australian higher education and research sector. Written submissions were provided by the Department, ASIO, the Department of Education, Skills and Employment, Attorney-General's Department, Department of Foreign Affairs and Trade and Department of Defence. The Department and the Department of Education, Skills and Employment appeared at a public hearing. The requested reporting date is July 2021.

Integrity Measures Review

On 10 December 2020, the former 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 AUSTRAC and the ACIC, and expand the oversight of the PJCIS to the intelligence functions of AUSTRAC. The Department and the Attorney-General's Department made a joint submission to the inquiry on 12 February 2021.

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, but has not yet handed down its report. The Act introduced reforms to help agencies access the evidence and intelligence they need by enhancing cooperation with industry 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 the INSLM and the PJCIS when it publishes its review of the Act.

Recently completed PJCIS Reviews

Inquiry into declared areas

The PJCIS undertook an inquiry to review the operation, effectiveness and implications of the declared areas provisions of the *Criminal Code Act 1995*. The declared area provisions make it an offence for a person to enter, or remain in, declared areas of a foreign country. The Department, AFP, ASIO, Department of Foreign Affairs and Trade, and the Commonwealth Director of Public Prosecutions all appeared at public hearings for the inquiry. The PJCIS tabled its report on 24 February 2021. The Attorney-General's Department is leading agencies' consideration of the PJCIS recommendations and consulting the Department in the drafting of a proposed Government response.

Inquiry into Data Retention Scheme

On 28 October 2020, the PJCIS released its report on its statutory review of the mandatory data retention regime in the *Telecommunications (Interception and Access) Act 1979*. The report made 22 recommendations, focusing on lifting thresholds for access to telecommunications data (commonly referred to as 'metadata') and strengthening oversight and accountability. The recommendations are mainly within the Department of Home Affairs' administrative responsibility. The Department is currently preparing the Government response to the PJCIS report. The Government response to the Committee was nominally due on 28 January 2021. The Department is working with agencies to provide advice to Government as soon as practicable.

Outlook

The Department will continue to support the important work of the PJCIS through close engagement on completed, ongoing and future reviews. This includes providing submissions, appearing at public and closed hearings, and preparing Government responses to PJCIS findings.

The Department will also continue to recommend that you refer any new, relevant legislative reforms in relation to intelligence and security matters to the PJCIS for inquiry and report upon introduction to the Parliament.

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Civil Maritime Capability Reform

Key Highlights

The ABF's civil maritime surveillance and response capabilities are critical to the protection of Australia's borders. Many of the systems which comprise those capabilities are reaching their end-of-life in the next five years. The Department and the ABF have established two major capability projects to deliver the next generation surveillance and response capabilities needed to respond to the future threat environment in Australia's Maritime Domain. The projects are preparing to return to Government in 2021 for agreement on the capability requirements.

Overview

The ABF's existing maritime surveillance and response capabilities will not be capable of meeting anticipated changes in the threat environment in the future. To address the evolving future threat environment, the Department and the ABF have established two major projects – Future Maritime Surveillance Capability (FMSC) and Maritime Response Capability (MRC). The FMSC project will provide surveillance capabilities to enable the ABF to establish and maintain Maritime Domain Awareness and enable timely and effective deterrence, prevention and response operations to protect Australia's borders and exercise sovereign rights in an evolving threat environment. The MRC project will provide the ABF with a next generation maritime response capability able to readily undertake the full range of civil maritime missions across Australia's Maritime Domain.

In early 2020, Mr David Peever undertook a review ('Peever review') of the Department's and the ABF's civil maritime security capability management and projects, making 12 recommendations to reform capability management of civil maritime security. Mr Peever's review provides the Department and the ABF the opportunity to implement reforms that improve the efficiency and effectiveness of the development, acquisition, and operation and sustainment of existing and new civil maritime security capability systems.

Current Situation

The Department is finalising a Capability Strategy that provides a long term outlook to deliver the ABF's future capabilities in order to meet the expected threat environment. It will include the business cases for the FMSC and MRC projects for Government consideration in 2021.

The Department is working with Defence to develop options for Government consideration to reform civil maritime security capability management and reform the ABF's marine crewing.

Legislation Framework

The *Australian Border Force Act 2015* sets out the role and responsibilities of the ABF, the ABF Commissioner and persons that work for the Department. The *Maritime Powers Act 2013* provides for the

administration and enforcement of Australian laws in maritime areas. For related purposes; the *Migration Act 1958* regulates the entry into, presence in, and departure from Australia of citizens and non-citizens. The *Navigation Act 2012* regulates maritime safety and the prevention of pollution of the marine environment. The *Customs Act 1901* sets out customs arrangements when entering and exiting Australia.

Stakeholders / Forums

The projects are engaging closely with the Department of Defence (Defence) to leverage the learnings from established Defence programs under Defence's Integrated Investment Plan, including the National Naval Shipbuilding Plan. Industry stakeholders for the FMSC project include the space, radar, aerospace manufacturing and aviation service industries. Industry stakeholders for the MRC project include national and international shipbuilding industries.

Outlook

The Department is finalising the FMSC and MRC capability requirements business cases for Government approval in Q2 2021, as part of the Capability Strategy. The Department is planning to return in Q4 2021 for investment approval for MRC to enable delivery of a fit-for-purpose capability to replace the ABF's Bay Class Patrol Boats. The Department intends to return in Q1 2022 for investment approval of each of the FMSC capability systems. The Department will seek investment approval for the second tranche of the MRC in 2023.

The Department will provide you with detailed briefing on Mr Peever's review, the maritime security capability reform issues and the proposed way forward.

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Freedom of Information

Key Highlights

The Department receives the largest volume of Freedom of Information (FOI) requests of any Australian government agency, representing 42 per cent of all FOI requests made to all Commonwealth agencies.

On 29 January 2021, the Information Commissioner published the report from her investigation into delays with the Department's processing of non-personal FOI requests. The report includes four recommendations which the Department accepted and has begun to implement.

Overview

In Financial Year 2019-20, the Department received 17,560 requests, and finalised 16,586 requests. Approximately 90 per cent of FOI requests received by the Department are from individuals seeking to access their personal information, generally in relation to their visa and citizenship applications. The other 10 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.

Under the *Freedom of Information Act 1982* (the Act), 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 31 January 2021, finalising 63 per cent of requests within statutory timeframes.

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. Further reforms are being implemented to address the Information Commissioner's recommendations.

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 the period July 2020-January 2021, the Department finalised 1.6 times the number of *non-personal* requests than in July 2019-January 2020 (1,293 compared to 809).

Personal caseload - In 2019-20, the Department finalised 5 per cent fewer requests for *personal* information compared to 2018-19 (14,797 compared to 15,574). In the period July 2020-January 2021, the Department finalised 8 per cent fewer *personal* requests than in July 2019-January 2020

(8,595 compared to 9,382). The reduction in personal requests finalised is due to some FOI staff being trained in, and diverted to, processing the more complex non-personal requests.

The Department processes all requests for information, including those outside statutory timeframes. As at 31 January 2021, the Department has reduced the backlog of past-due *non-personal* requests by 63 per cent since 31 January 2020 (from 191 to 71). As at 31 January 2021, the Department has reduced the backlog of past-due *personal* requests by 19 per cent since 31 January 2020 (from 2,118 to 1,706).

Legislation Framework

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

Your office will receive email notifications upon receipt of sensitive FOI requests. Your office will also receive notifications three days in advance of the release of information in response to those sensitive FOI requests.

People can also make FOI requests of you as the Minister, for documents in your or your office's possession. The Department provides administrative support to your office in the processing of these requests. The Department will also provide you with an Instrument of Authorisation to delegate the power to make decisions on these requests to your staff.

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 statutory timeframe for decisions required by the Act

Attachments

Attachment A: Freedom of Information Section – Key Statistics

Contact Details

Name: Cath Patterson

Deputy Secretary Strategy & Law Enforcement

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

Attachment A:

Freedom of Information section – Key Statistics to 31 January 2021

FOI	2018-2019	2019-2020	2020-2021 (to 31 Jan 21)
Access requests received			
• Total	17,771	17,560	9,192
• Personal	16,862	15,674	7,946
• Non Personal	909	1,886	1,246
Access requests finalised			
• Total	16,444	16,586	9,888
• Personal	15,574	14,797	8,595
• Non Personal	870	1,789	1,293
Requests finalised outcomes			
• Released in full	9,401 (57%)	8,194 (49%)	4,379 (44%)
• Refused/exempt in part	5,375 (33%)	5,143 (31%)	3,696 (37%)
• Refused/exempt in full	902 (6%)	1,438 (9%)	983 (10%)
• Other (includes invalid, withdrawn, transferred)	766 (5%)	1,811 (11%)	830 (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%	61%
• Personal	76%	69%	60%
• Non Personal	44%	37%	64%
Request for review of Home Affairs Decisions by OAIC			
Received by OAIC	187	235	192
Finalised by OAIC	122	179	149
Outcome			
• Overturn or varied	7	5	0
• Outcome affirmed	4	4	1
• Other (includes invalid, withdrawn or discretion not to review exercised)	108	163	118
FOI Section ASL (FTE)	74.3	73.9	79.2

Social Cohesion and Citizenship Group

Group Overview and Priorities

Social Cohesion and Citizenship Group leads on the Australian Government's policy response to counter-terrorism, counter foreign interference, citizenship and social cohesion which also 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 religiously and ideologically motivated violent extremism and the release from prison of high risk terrorist offenders. The Centre works closely with State and Territory Governments and the community to counter the threat. 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 aim of this effort is to increase the cost and decrease the benefit from undertaking acts of foreign interference against Australia's interests.

Citizenship Division works to achieve the Australian Government's objectives through the effective and efficient delivery of the Citizenship Program. The Program is central to the Department's strategy towards supporting social cohesion and ensuring a prosperous, secure and united Australia.

Social Cohesion Division is leading or overseeing the implementation of key elements of the Australian 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.

As the Minister for Home Affairs you retain primary responsibility for counter-terrorism and counter foreign interference, with the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs leading on citizenship and social cohesion. However, you are responsible for progressing a number of initiatives related to broader social cohesion and counter violent extremism efforts, particularly where they intersect with counter-terrorism and counter foreign interference as maintaining and promoting a cohesive and inclusive society is a key element of national resilience.

Contact Details

Name: Chris Teal
Deputy Secretary, Social Cohesion and Citizenship

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

Counter-Terrorism

Key Highlights

The general terrorism threat level has remained at PROBABLE since 2014, but the nature of the threat continues to evolve. While the principal threat remains religiously motivated violent extremism, the domestic ideologically motivated violent extremism threat is growing and groups are becoming increasingly connected internationally. COVID-19 has sharpened the ideologically motivated violent extremism narrative and heightened online activity. Thirteen convicted terrorist offenders are due for release from prison to 2025. 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 counter-terrorism measures to manage the onshore and offshore cohorts.

Overview

Existing legislative, operational and cooperative counter-terrorism arrangements have proven robust, but there is a need continually to 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. The Parliamentary Joint Committee on Intelligence and Security (PJCIS) is leading an inquiry into extremism and terrorism on which it has been asked to report to the Government by end-April 2021.

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 nine attacks and 20 major disruptions in Australia, and 131 people have been charged as a result of 60 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.

You have policy and decision-making responsibility for aspects of the *Criminal Code 1995*, particularly in respect of terrorism-related offences, proscribing terrorist organisations, and applications for Control Orders, Preventative Detention Orders and Continuing Detention Orders.

- On 24 December 2020, the first Continuing Detention Order was made in the Supreme Court of Victoria in relation to Abdul Nacer Benbrika.
- On 18 March 2021, regulations were made to list the UK-based Sonnenkreig Division as a terrorist organisation under the Criminal Code — the first ideologically motivated violent extremist organisation to be listed.

- There is a Bill before the Parliament to provide for Extended Supervision Orders. The Bill remains with the PJCIS for review and inquiry.

The *Australian Citizenship Act 2007* has provisions enabling you to cease citizenship for Australians holding dual nationality and who are deemed to have repudiated their allegiance to Australia, including through terrorist conduct.

- To date, 20 individuals have lost their Australian citizenship through their own conduct (19 offshore and one onshore).

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 Australian Government provides approximately \$15 million per year to ANZCTC for training, exercises and equipment.

You lead bilateral engagement on counter-terrorism issues with Indonesia through the Australia-Indonesia Ministerial Council Meeting on Law and Security, and co-chair with Indonesia the multilateral Sub-Regional Meeting on Counter-Terrorism and Transnational Security

Outlook

The PJCIS has ongoing inquiries on legislation relating to existing Australian Federal Police powers and the re-listing of Jaish-e-Mohammad as a Terrorist Organisation under the Criminal Code. The Australian 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 has provided a joint-agency submission (with the Attorney-General's Department and the Department of Foreign Affairs and Trade) to the PJCIS in relation to its inquiry into extremist movements and radicalism in Australia.

Contact Details

Name: Chris Teal
Deputy Secretary, Social Cohesion and Citizenship

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

Citizenship Program

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.

Results for the Citizenship Program in 2019-20 demonstrated continued improvement in processing, despite the COVID-19 pandemic. The 2020-21 year to date has been affected by localised lockdowns, which have restricted test appointments and seen a temporary increase in on-hand cases.

Overview

The *Australian Citizenship Act 2007* (Citizenship Act) defines who is, who can become, and who ceases to be an Australian citizen.

Australian citizenship is automatically acquired when a person is born in Australia and has one parent who is an Australian citizen or permanent resident at the time of their birth. This is the most common way to become 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 financial year), descent, adoption and resumption.

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

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 increased 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 March 2020, led to an increase in the on-hand caseload to a peak of 163,874 applications on-hand at September 2020. As at 28 February 2021, there were 155,326 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.

2019-20 Citizenship Program outcomes

Results for the Citizenship Program in 2019-20 were excellent and demonstrated continued improvement in processing, despite the COVID-19 pandemic.

- 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.

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 say the pledge of commitment (the final step to acquiring Australian citizenship).

From 31 March 2020 (when the first online ceremony was held) to 28 February 2021, 93,381 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. With the re-commencement of in-person appointments and ceremonies, the Department has scaled back online ceremonies to focus staff effort on application assessment.

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 28 February 2021, there were 14,208 complex cases on-hand, representing nine per cent of the overall citizenship by conferral caseload.

Legislative Framework

Australian citizenship is governed by the Citizenship Act and the Citizenship Regulation. The Department assesses each citizenship application on its individual merits.

For citizenship by conferral to be approved, most adult applicants must:

- hold a permanent visa at time of application and at time of decision;
- satisfy a residence requirement (generally four years lawful stay, with the 12 months prior to application as a permanent resident), and be likely to reside or continue to reside in Australia or

maintain a close and continuing association with Australia. They must also be in Australia at time of decision;

- be of good character;
- satisfy the delegate as to their identity; and
- pass the Australian citizenship test (if aged between 18 and 59 years).

Most decisions to refuse an application for citizenship are subject to merits review by the Administrative Appeals Tribunal but such refusals do not constrain the person from re-applying for Australian citizenship. Decisions may also be subject to judicial review.

The Citizenship Act also includes provisions for the revocation of citizenship where it was obtained by fraudulent means or the applicant had not declared a serious criminal offence prior to citizenship being acquired. These cases will be referred to you on an individual basis for decision.

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.

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.

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 outweighed by the benefits of Australian citizenship compared to permanent residency.

Attachments

- A. Citizenship Program – Key Statistics

Contact Details

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Contact: 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 (1 July 2018 to 28 February 2021)					
2018-19		2019-20		2020-21 (to 28 February)	
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	13,279
United Kingdom	13,364	United Kingdom	25,011	United Kingdom	11,014
Philippines	9,267	China*	14,764	China*	4,999
China*	7,974	Philippines	12,838	Philippines	4,942
Sri Lanka	4,861	Pakistan	8,821	New Zealand	3,802
Vietnam	3,501	Vietnam	6,804	Pakistan	3,162
Pakistan	3,360	Sri Lanka	6,195	Vietnam	3,124
Nepal	3,294	South Africa	5,438	Iraq	2,819
Iraq	3,087	New Zealand	5,367	Afghanistan	2,581
Korea, South	3,062	Afghanistan	5,102	South Africa	2,313
Other	47,434	Other	76,268	Other	33,986
Total	127,674	Total	204,817	Total	86,021

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

Data for the current financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 2: Number of citizenship applications received 1 July 2016 – 28 February 2021					
Application type	2016-17	2017-18	2018-19	2019-20	2020-21 (to 28 February)
Conferral	203,793	239,413	138,387	147,001	118,034
Descent	21,334	20,093	19,852	18,690	12,146
Adoption	107	119	96	72	69
Resumption	237	190	196	150	71
Evidence	49,157	45,199	43,838	37,955	15,795

Data for the current financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

**Table 3: Number of citizenship applications on-hand
(as at 28 February 2021)**

Application type	No. of applications
Conferral	155,326
Descent	7,000
Adoption	29
Resumption	20
Evidence	645

Data for the current financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 4: Number of Australian citizenship by conferral applications lodged, finalised* and on-hand by financial year (1 July 2010 to 28 February 2021)

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 28 February)	118,034	99,970	155,326

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

Data for the current financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

**Table 5: Average processing times for applications for Australian citizenship by conferral*
(1 July 2010 to 28 February 2021)**

Financial year	Days from lodgement to approval*	Days from approval to acquisition	Days from lodgement 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 28 February)	309	150	468

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

Data for the current financial year is drawn from a dynamic system environment and is correct at the time of publication but may differ slightly from previous or future reporting.

Table 6: Current processing times for outcomes between 1 February and 28 February 2021 (as per the Department of Home Affairs website)

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	13 months	16 months
	From date of approval to ceremony	5 months	6 months
	From date of application to ceremony	18 months	20 months
Australian citizenship by descent	From date of application to decision*	9 months	11 months
Evidence of Australian citizenship	From date of application to decision*	7 days	20 days

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

Note: The processing times presented for the citizenship by conferral process include applications for which, in the reporting month, either:

- a decision outcome was reached; or,
- person/s who were included in the application acquired Australian citizenship by conferral by attending a citizenship ceremony and making the pledge of commitment.

Percentile reports can be interpreted as follows:

- The 75th percentile – for 74 applications out of every 100, the timeframe was less than the 75th percentile figure shown.
- The 90th percentile – for 89 applications out of every 100, the timeframe was less than the 90th percentile figure shown.

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 28 February 2021
NSW	26,861
QLD	13,669
WA	9,781
VIC	8,547
SA	4,641
ACT	882
NT	726
TAS	484
Other*	177
Total	65,768

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

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

Counter Foreign Interference (CFI)

Key Highlights

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

The inaugural National Counter Foreign Interference Coordinator (NCFIC) was appointed in April 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 Counter Foreign Interference Coordination Centre (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. The CFICC also works 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 and malign foreign influence.

s. 33(a)(i)

The CFICC 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, the CFICC has made substantial progress in building resilience within Australia's university and research sectors, with significant ongoing work to further strengthen that sector and to support publicly funded research agencies.

The Department continues to build on its engagement with state and territory governments. the Australian Government committed \$11.3 million over four years in the 2020-21 Budget to fund the Department's Counter Foreign Interference Coordination Centre including 15 additional staff from existing resources within the Department to fill new liaison and outreach positions based in the states and territories.

The CFICC 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 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 Australian 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 a new critical infrastructure regime through the *Security of Critical Infrastructure Act 2018*, and electoral funding and disclosure reforms.

s. 47E(d)

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; the University Foreign Interference Taskforce Steering Group; and a Senior Oversight Board, which provides strategic direction to the operation of the operationally-focused CFI Taskforce led by the Australian Security Intelligence Organisation. s. 33(a)(iii)

The CFICC leads 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 the coming months s. 47E(d)

Contact Details

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Social Cohesion and Multicultural Affairs

Key Highlights

Australia's strong social cohesion is critical to our prosperity and security. Home Affairs leads social cohesion policies and programs, supporting the Australian 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 Department leads implementation of Australian Government policies and programs to maintain Australia's strong social cohesion. There are several significant intersections within the Home Affairs 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: challenges to democratic values in a deeply competitive geopolitical environment; the impact of COVID-19; 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 Australian 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 Australian 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.

The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alex Hawke MP, is leading the development of an inaugural Australian Government Social Cohesion Statement as a blueprint for keeping Australians together into the future. Minister Hawke is consulting with community and business leaders to inform the development of the Statement. The Statement will build on the Australian Government's 2017 Multicultural Statement, which reaffirmed the Australian Government's commitment to a multicultural Australia.

A renewed push on Australia's liberal democratic values, including Citizenship, is central to the Australian 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. The Australian Government is taking action to improve English language capability through reforms to the Adult Migrant English Program (AMEP).

The Department of Home Affairs has established a website and four social media channels (Facebook, Twitter, YouTube and Instagram) promoting Australian values. The website and channels provide information and resources on Australia's values in English and in the top three languages other than English spoken in Australia - Chinese, Arabic, and Vietnamese.

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 within Minister Hawke's responsibilities

Minister Hawke convened a new Ministerial Forum on Multicultural Affairs with state and territory Ministers for Multicultural Affairs on 19 March 2021. The inaugural meeting communique of 23 March 2021 stated that future Ministerial Forums will be held on a biannual basis.

The Australian Multicultural Council (AMC) is a ministerially appointed body of currently 12 members, which advises the Australian 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.

State and Territory footprint

The Department's Regional Directors (RD) and network of 29 Community Liaison Officers (CLOs) drive Australian Government engagement with a wide range of cultural, religious and ethnic communities around the country. The CLO network promotes the Australian Government's social cohesion policies and programs and provides feedback to the Australian Government on community sentiment and Australian 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 and Arabic). The network significantly stepped-up engagement in 2020 in response to the COVID-19 pandemic and to strengthen social cohesion.

Outlook

The Australian Government is implementing new initiatives to strengthen and safeguard Australia's social cohesion, including the 2020-21 Budget's \$62.8 million package. Key priorities for 2021 include:

- an inaugural Social Cohesion Statement to keep Australians together into the future;
- 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 and Cantonese language skills;

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

Contact Details

Name: Chris Teal

Deputy Secretary, Social Cohesion and Citizenship

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Countering Violent Extremism (CVE)

Key Highlights

Australia's CVE program of work is coordinated through the CVE sub-committee of the Australia New Zealand Counter-Terrorism Committee (ANZCTC).

CVE programs link social cohesion objectives and counter-terrorism responses, focussing on preventing all forms of 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, and
- Rehabilitating and reintegrating violent extremists.

The Australian Government commissioned the Australian Institute of Criminology to undertake a *Review of Commonwealth CVE initiatives and framework*. The Department is finalising advice for the Australian Government on implementing the recommendations.

Overview

The governance of CVE in Australia sits within the ANZCTC. 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.

The Department works collaboratively with jurisdictions through this forum to:

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

Since 2013-14, the Australian Government has invested more than \$61 million to support programs to counter violent extremism. In 2020-21, the Australian 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.

The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alex Hawke MP, is responsible for CVE under existing portfolio arrangements.

Current Situation

CVE programs are designed to address all drivers of violent extremism.

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 both ideologically motivated violent extremism and religiously motivated violent extremism.

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

As at 31 December 2020, there were 63 participants in the program nationally (59 per cent relate to Islamist extremism; 28 per cent to right-wing extremism; and 13 per cent to ethno-nationalist/separatist extremism, other or unknown/unclear). Jurisdictions prefer to not disclose publicly the total number of participants.

Countering violent extremism online

Social media enables extremist movements to expand their audience, radicalise and recruit vulnerable individuals, and encourage violent acts. Increasingly, violent extremists from across the spectrum seek to exploit the online environment to seed division and draw support for their cause. While religiously motivated violent extremism (Sunni extremists) remains an ongoing feature of the social media landscape, ideologically motivated violent extremism (nationalist extremist) is also proliferating.

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

1. Identifying and referring terrorist and violent extremist content to social media platforms for removal in line with their terms of service policies.
2. Undertaking strategic communication to diminish the appeal of extremist narratives. This includes the use of:
 - RAPT! – a Facebook, Instagram account and website for young Muslim audiences that has content showcasing positive messages and narratives.
 - Events and activities to empower young people to identify and challenge online hate.
3. 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, which brings together governments and online service providers through voluntary measures; and
 - the Working with the Organisation for Economic Cooperation and Development, digital industry and civil society s to develop Voluntary Transparency Reporting Protocols.

Legislation Framework

Australia's CVE intervention programs for at-risk people are not supported by a legislative framework. For high risk terrorist offenders, the *Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020* is before the Parliament. It provides for an Extended Supervision Order that can impose conditions on an offender at the end of their sentence, including mandating participation in CVE and rehabilitation programs.

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. CVESC is responsible for providing expert strategic and policy advice on the development and maintenance of national CVE capability.

Outlook

The Department is focussed on three areas of priority:

1. Finalising advice for government on the *Review of Commonwealth CVE initiatives and framework*.
2. Supporting counter-terrorism and CVE efforts by developing additional strategic communications activities to reach people vulnerable to extreme right wing ideologies.
3. The upcoming Parliamentary Joint Committee on Intelligence and Security Inquiry into extremist movements and radicalism in Australia.

Contact Details

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Immigration and Settlement Services Group (ISSG)

Group Overview and Priorities

ISSG is responsible for policy advice on, and administration of, Australia's permanent and temporary migration programs including the Refugee and Humanitarian Program; provision of settlement support to refugees and other migrants; 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,
- Status Resolution and Visa Cancellation,
- Immigration Integrity, Assurance and Policy,
- Service Delivery and Transformation, and
- Global Business and Talent Attraction Taskforce.

ISSG 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 by, subject to further decision making, the proposed Permissions Capability,
- supporting the ABF Commissioner decision making on travel ban exemptions,
- implementing biosecure border arrangements to support recovery from COVID-19 – including through delivery of the new Digital Passenger Declaration (replacing Incoming Passenger Cards and separate COVID-19 declarations), utilising the Permissions Capability from November 2021,
- delivering the 2020-21 and 2021-22 migration and humanitarian programs – including the significant increase in 2020-21 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 on:

- travel ban exemptions, restarting the flow of students and skilled migrants, and repatriating Australians,
- delivery of the 2020-21 migration and humanitarian programs,

- 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

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Deputy Secretary Immigration and Settlement Services

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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; and
- 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 annual 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.
- As at 31 January 2021, visa applications have declined by more than 5.2 million, or 87 per cent, compared to the same period in 2019-20.

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.

- There were just below 94,000 first-stage partner visa applications on hand as at 31 January 2021.
- 72,300 places have been allocated to Partner visas – an increase of more than 80 per cent on last year's planning level.

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. As at 31 January 2021, there were 308,974 Bridging visa holders in Australia.

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.

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

Attachments

A. Chronology of COVID-19 Temporary Visa Measures

Contact Details

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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-19 recovery. The design of the 2021-22 Program will be considered in the context of the 2021-22 Budget.

Overview

In the context of the Budget each year, you and the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs 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). 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.

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 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 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. Extensive efforts have been made to encourage applicants to submit health and character checks to allow finalisation of their applications.

We anticipate delivering close to program ceiling levels in the partner and skilled programs, subject to COVID-19-related external impacts including availability of medical assessments; police checks; and offshore processing capacity.

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.

Attachments

- A. Migration Program Streams and Categories
- B. 2020-21 Migration Program Composition
- C. Migration Program 2018-19 to 2020-21 – Planning Levels and Program Outcomes
- D. Visa Subclass Overview – Processing Times

Contact Details

Name: Andrew Kefford PSM

Deputy Secretary Immigration and Settlement Services

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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 2020-21 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.
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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.

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

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</i> <i>(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	3,000
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



Temporary Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
010	Bridging A	*	Nil
020	Bridging B	*	\$155
030	Bridging C	*	Nil
040	Bridging (Prospective Applicant)	*	Nil
041	Bridging (Non-Applicant)	*	Nil
050	Bridging (General)	*	Nil
051	Bridging (Protection Visa Applicant)	*	Nil
060	Bridging F	*	Nil
070	Bridging (Removal Pending)	*	Nil
173	Contributory Parent (Temporary)	**	From \$31,930***
300	Prospective Marriage	18 months [#]	From \$7,715***
400	Temporary Work (Short Stay Specialist)	13 days	\$310
403	Temporary Work (International Relations)	4 days	\$310

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Temporary Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
407	Training	13 months	Base application charge: \$310***
408	Temporary Activity	8 months	- \$310 (additional VAC payable for MOFU) - Nil if specified in legislative instrument
417	Working Holiday	86 days	AUD485 for 1 st , 2 nd and 3 rd visas
444	Special Category	Less than 1 day	Nil
445	Dependent Child	14 months [#]	\$2,665***
449	Humanitarian Stay (Temporary)	*	Nil
461	New Zealand Citizen Family Relationship (Temporary)	35 months	\$365***
462	Work and Holiday	84 days	\$485 for 1 st , 2 nd and 3 rd visas
476	Skilled – Recognised Graduate	14 months [#]	Base application charge: \$405***
482	Temporary Skill Shortage short-term	5 months	From \$1,265***
485	Temporary Graduate –Graduate work	6 months	Base application charge: \$1,650***
500	Student	89 days	Base application charge: \$620*** (nil fee applies to some student visa applications (COVID-19 impacted, DFAT/Defence students, commonwealth sponsored, education provider default))

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Temporary Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
590	Student Guardian	4 months	Base application charge: \$620 Subsequent temporary application charge: \$700
600	Visitor	4 months	Applicant offshore - \$145 (except for Frequent Traveller Stream - \$1065) Applicant onshore - \$365
601	Electronic Travel Authority	*	Nil
602	Medical Treatment	38 days	Applicant offshore - Nil Applicant onshore - \$315***
651	eVisitor	36 days	Nil
771	Transit	12 days	Nil
773	Border	*	Nil
785	Temporary Protection	*	\$40 (or Nil if applicant is in immigration detention or not immigration cleared)
786	Temporary (Humanitarian Concern)	*	Nil

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Temporary Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
790	Safe Haven Enterprise	*	\$40 (or Nil if applicant is in immigration detention or not immigration cleared)
820	Partner	23 months	From \$7,715 (includes 801 permanent application)
870	Sponsored Parent Visa (Temporary)	4 months	\$1000***
884	Contributory Aged Parent (Temporary)	**	\$4,155***
988	Maritime Crew	Less than 1 day	Nil
995	Diplomatic (Temporary)	*	Nil
Act Based s33	Special Purpose	*	Nil
Act based s38 and s155(1)	Criminal Justice Entry	*	

Processing times calculated over extended period of year to date (1 July 2020 to 28 February 2021)

* Processing times are not available for this visa.

** Capped and queued visa

***Secondary or additional applicant charges may apply

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Permanent Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
100	Partner	17 months	\$7,715***
101	Child	16 months	\$2,665*** (if not orphan relative or combined with another application)
102	Adoption	15 months [#]	\$2,665*** (if not orphan relative or combined with another application)
103	Parent	**	\$4,350***
114	Aged Dependent Relative	*	\$4,350***
115	Remaining Relative	*	\$4,350***
116	Carer	*	\$1,795***
117	Orphan Relative	42 months [#]	\$1,630***
124	Distinguished Talent	*	\$4,110***
132	Business Talent	31 months	\$7,855***
143	Contributory Parent	**	From \$365*** (plus contribution)
151	Former Resident	*	\$3,955***
155	Five Year Resident Return	86 days	From \$405
157	Three Month Resident Return	4 months [#]	From \$405

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Permanent Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
159	Provisional Resident Return	*	\$210
186	Employer Nomination Scheme –Direct entry, Agreement and Transition pathway)	5 months	From \$4,045
187	Regional Sponsored Migration Scheme	*	From \$4,045
189	Skilled — Independent	13 months	From \$4,045
190	Skilled — Nominated	9 months	From \$4,045
191	Permanent Residence (Skilled Regional)	*	N/A – visa does not commence until 16/11/2022
200	Refugee	*	Nil
201	In-country Special Humanitarian	*	Nil
202	Global Special Humanitarian	*	Nil (unless proposed under Community Support Program)
203	Emergency Rescue	*	Nil
204	Woman at Risk	*	Nil
800	Territorial Asylum	*	Nil
801	Partner	16 months	VAC paid with 820 (temp) visa
802	Child	12 months	\$2,665***

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Permanent Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
804	Aged Parent	**	\$4,350***
808	Confirmatory (Residence)	*	\$310***
835	Remaining Relative	*	\$4,350***
836	Carer	*	\$1,795***
837	Orphan Relative	*	\$1,630***
838	Aged Dependent Relative	*	\$4,350***
851	Resolution of Status	*	Nil
852	Referred Stay (Permanent)	*	Nil
858	Global Talent	73 days	\$4,110***
864	Contributory Aged Parent	**	\$4,155*** (plus contribution)
866	Protection	*	\$40
887	Skilled – Regional	14 months [#]	\$3,955***
888	Business Innovation and Investment (Permanent)	22 months	\$2,590***
890	Business Owner	*	\$2,450***
891	Investor	*	\$2,450***
892	State/Territory Sponsored Business Owner	*	\$2,450***

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Permanent Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
893	State/Territory Sponsored Investor	*	\$2,450***
Act based s34	Absorbed person	*	
Act based s35	Ex-citizen	*	

Provisional Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
160	Business Owner (Provisional)	*	
161	Senior Executive (Provisional)	*	
162	Investor (Provisional)	*	
163	State/Territory Sponsored Business Owner (Provisional)	*	
164	State/Territory Sponsored Senior Executive (Provisional)	*	
165	State/Territory Sponsored Investor (Provisional)	*	
188	Business Innovation and Investment (Provisional)	30 months	
309	Partner (Provisional)	18 months	Nil – VAC paid for 100 visa

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Provisional Visa Subclasses	Title	Processing Time - 75 th percentile for February 2021	Visa Application Charge
489	Skilled – Regional (Provisional)	17 months [#]	
491	Skilled Work Regional (Provisional) State/Territory nominated	10 months	
494	Skilled Employer Sponsored Regional (Provisional)	81 Days	

[#] Processing times calculated over extended period of year to date (1 July 2020 to 28 February 2021)

* Processing times are not available for this visa.

** Capped and queued visa

***Secondary or additional applicant charges may apply

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Refugee and Humanitarian Program

Key Highlights

The 2020-21 Humanitarian Program ceiling was set at 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.

Australia remains 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), including the Community Support Program (CSP)
- 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.

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, was planned with a ceiling level, rather than a target, in recognition of the uncertain global health, economic and political environment.

The composition of the program balancing different visa categories (refugee, SHP, CSP) as well as source countries, is usually decided by the immigration minister. Then Acting Minister Tudge provided a decision on the interim composition of the program (MS19-003038) in 2020.

A further Ministerial Submission on final allocations is currently with Minister Hawke.

In the 2019-20 program year, COVID restrictions impacting our offshore posts and the temporary suspension of offshore activities by partner organisations led to about 70 per cent of the allocation being delivered.

Stakeholders / Forums

- The Non-Government Organisations (NGO) dialogue, led by the Department
- Annual Tripartite Consultations on Resettlement
- United Nations High Commissioner for Refugees

- International Organisation for Immigration.

Outlook

As a result of continuing restrictions on our offshore activities and those of our partner agencies due to COVID-19 (e.g. inability to conduct interviews or secure medical clearances), we anticipate delivering around half the ceiling level in the 2020-21 program. This would leave a pipeline of around 9,000 humanitarian visa holders offshore pending recommencement of travel arrangements. Australia's COVID-19 travel restrictions currently prevent newly granted humanitarian visa holders from entering Australia unless they are eligible for an individual exemption. Visas for a small number of emergency/urgent cases continue to be granted and travel is facilitated where possible.

Consideration of the 2021-22 program year will be considered in the Budget process.

Related matters

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. The Department also supports humanitarian entrant and vulnerable migrant integration through the delivery of settlement services. Further information can be provided on these matters if required.

Outside of the Refugee and Humanitarian Program, temporary protection options (Temporary Protection Visa and Safe Haven Enterprise Visa) are considered for people who arrived as illegal maritime arrivals by boat or air. Further information on these matters and the IMA Legacy Caseload can be provided if required.

Attachment

A: Delivery of the 2019-20 Humanitarian Program

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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
 - 6422 Refugee category visas
 - 5099 Special Humanitarian Program (SHP) visas, including 417 as part of the Community Support Program; and
- 1650 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

Delivery of the 2020–21 Humanitarian Program

The 2020–21 Humanitarian Program is set at 13,750 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. After the Minister's interim approval on the specific composition of the program on 5 December 2020, the Department formally commenced processing of visa grants for the 2020-21 program.

As at 28 February 2021, 3356 visas had been granted in the humanitarian program during the program year:

- 2416 offshore visas
 - 1048 Refugee category visas
 - 1368 Special Humanitarian Program (SHP) visas, including 417 as part of the Community Support Program; and
- 940 onshore visas

Offshore Humanitarian Program Top 10 Citizenships 2020–21

Citizenship	Refugee	SHP	Total
Iraq	291	702	993
Myanmar	56	325	381
Syria	175	131	306
Afghanistan	87	137	224
Eritrea	167	20	187
Venezuela	92	0	92
Ethiopia	25	28	53
Iran	8	20	28
Dem. Rep. of the Congo	25	0	25
Turkey	24	0	24
Other	98	5	103
Total	1,048	1,368	2,416

Due to travel restrictions, class XB visa holders, not usually resident in Australia, are not able to travel, unless they are granted a travel exemption. There are around 3950 Class XB visa holders that were granted visas in 2019–20, and 2300 in 2020–21 who remain offshore due to travel restrictions.

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; and 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 (generally on Bridging visas (BVs) 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 (generally on BVs associated with a valid protection visa application or at merits review) with limited needs and short-term barriers to status resolution.

Current Situation

As at 31 January 2021, there were 3,159 individuals receiving support through the SRSS program, of which 1,916 were IMAs and 1,243 were non-IMAs.

The total number of SRSS recipients who have exited the program between 1 May 2018 and 31 January 2021 is 10,661.

During the 2019-20 financial year, the total administered cost of the SRSS program was \$125.4 million, including \$40.0 million of income support payments made by Services Australia on behalf of the Department. In the 2020-21 financial year, the estimated administered budget for the SRSS program is \$129.5 million.

- While there has been no change to the policy settings of the SRSS program (and its overall budget), the estimate of income support payments made through Services Australia was reviewed and revised to \$35.2 million at 2020-21 MYEFO (from \$19.6 million as at 2020-21 Budget).

The Department currently contracts nine providers to deliver SRSS. 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 \$1.02 billion (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.

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.

Outlook

We will be seeking the views of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs on the SRSS program settings in April 2021, prior to the new procurement.

Contact Details

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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 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 from November 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. A permission is broadly defined for this purpose 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.

To deliver these better services, the 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.

Current Situation

The Department, supported by the DTA, has conducted an open Request for Tender (RFT) process. The RFT was released on 23 October 2020 and closed on 18 December 2020. Tender evaluation commenced on 21 December 2020 and is well advanced. s. 47C(1)

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.

We will arrange a probity briefing for you, and your office.

Contact Details

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Deputy Secretary Immigration and Settlement Services

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Section 501 (Character Visa Cancellations and Refusals)

Key Highlights

Visa cancellation and refusal powers play an important role in maintaining the integrity of Australia's borders and its immigration programs. They help to protect the Australian community by addressing national security and community safety risks that may be posed by non-citizens.

Overview

Australia has a sovereign right to determine whether non-citizens are allowed to enter or remain in Australia. Increasing sophistication of global organised crime and terrorist organisations will likely present a continuing, if not increasing, risk to the Australian community as international borders open up and travel returns to pre-COVID levels. 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.

Character cancellation and revocation cases are prioritised in line with ministerial directions, and allocated to either Portfolio Ministers or departmental delegates based on the seriousness of the offending. Cases involving threats to national security; organised or gang-related crime; or child sex and other serious violent offences are usually referred to a Minister. In some cases, application of ministerial non-delegable powers is considered appropriate [refer Incoming Minister Brief: Personal Ministerial Powers].

Legislation Framework

The Migration Act provides the legislative authority for visa 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.

Ministerial Direction 79 came into effect on 28 February 2019 and applies to decision-makers [including the Administrative Appeals Tribunal (AAT)] considering exercising discretion under section 501 of the Act. Relevant considerations include the need to protect the Australian community; the nature and seriousness of the conduct; and the best interests of minor children. This direction will be superseded by Ministerial Direction 90 on 16 April 2021. The new direction strengthens character-related visa refusal and cancellation settings (particularly in relation to domestic violence) ensuring 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 are 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 winter 2021 sittings.

Contact Details

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Visa Measures to Support Agriculture Sector

Key Highlights

COVID-19 has impacted Australia's agriculture sector by limiting supply of overseas workers. Border restrictions have impeded international and domestic movement and the departure of temporary migrants has placed pressure on the supply of low-skilled workers.

Since 4 April 2020, the Government has implemented a number of measures to increase the agriculture sector's access to overseas workers, including those already in Australia.

Relevant industry bodies and some members of Parliament are of the view that a new 'agriculture visa' should be considered by Government to supplement existing visa products for the agricultural sector. The same groups have publically suggested that Government implement a broad regularisation of illegal workers to address workforce shortages in this sector.

At the same time, media reports highlight the poor treatment of migrant workers in parts of the agriculture sector.

Overview

According to the Department of Agriculture, Water and the Environment, the agriculture sector relies on temporary visa holders to meet approximately 50 per cent of its seasonal workforce needs.

Since 4 April 2020, the Government has announced a number of visa measures to support critical industries and sectors, including agriculture and food processing. A timeline of the specific visa measures implemented to address labour shortages in agriculture is provided at [Attachment A](#), which includes:

- relaxing visa conditions for certain temporary visa holders already in Australia, with options made available to extend their stay and work for more than one agricultural employer;
- a COVID-19 Pandemic Event visa made available within the existing Temporary Activity (subclass 408) visa, allowing a 12-month stay with work rights for those working in critical sectors such as agriculture;
- eligibility for exemptions from Australia's travel restrictions for visa holders with skills in agriculture;
- a targeted trial under the Seasonal Worker Programme (SWP) to help the Northern Territory mango producers access the workers they need to address critical labour shortages;
- the restart of the Pacific labour mobility programs with targeted recruitment under the Pacific Labour Scheme (PLS) and SWP to help fill labour shortages in key industries, particularly the agricultural sector; and
- refunding and/or waiving visa application charges for certain temporary visa holders, including Pacific workers, whose travel and employment in Australia was negatively impacted by the COVID-19 pandemic.

Visas options for Agriculture

In addition to the measures above, there are a number of existing visa programs already in place that provide agricultural employers with access to foreign workers, including the SWP, PLS and industry and location specific labour agreements. Additionally, there are large numbers of temporary visa holders in Australia who can work in the agricultural sector. On 7 March 2021, there were approximately 1.76 million people in Australia on temporary visas, with an estimated 1.65 million people with work rights.

Publicised cases of worker exploitation, various reports (including the Migrant Workers Taskforce Report, and inquiries undertaken by the Fair Work Ombudsman), highlight concerns about worker exploitation in the sector.

National Agricultural Workforce Strategy

On 5 March 2021, the Government released the National Agricultural Workforce Strategy Report and a Roadmap outlining the Government's vision for the agricultural sector and next steps. The Strategy Report was developed by an independent Committee, chaired by Mr John Azarias and included 11 representatives from academic, the education and training sector and individual agribusinesses. Minister Littleproud said:

- "With the strategy report and the Roadmap released, the government will undertake targeted consultation with industry and state and territory governments, to ensure all parties are just as committed as the Government to a highly skilled agricultural workforce".
- "The development of a fit-for-purpose workforce for our farming sector is part of the Australian Government's Ag2030 plan in support of industry's \$100 billion target by 2030".
- "The Government will respond to the Strategy report in the coming months and in the meantime we will continue to address the immediate needs of our farmers for workers."

The Strategy Report Agricultural workforce development is key to delivering the Government's Ag2030 plan and the agriculture industry's target of becoming a \$100 billion sector by 2030.

The Report made recommendations relevant to the Home Affairs portfolio, mainly on tackling exploitation of foreign workers, including an amnesty for workers in breach of migration law. In response, the Government (most recently Senator Cash at Senate Estimates on 22 March 2021) has indicated it does not support an amnesty for illegal migrant workers who are unlawful non-citizens. Granting an amnesty of this sort would risk creating perverse incentives for irregular migration or overstaying in the future (in the hope of a subsequent amnesty), and materially undermine Operation Sovereign Borders. The Department continues to encourage unlawful non-citizens who have overstayed or otherwise breached their visa conditions to engage with its Status Resolution processes to regularise their status. The Report also makes a recommendation to streamline SWP and PLS, to assist employers looking to hire Pacific workers. The Department of Education, Skills and Employment and the Department of Foreign Affairs and Trade are the lead agencies on these programs.

Attachments

- A. Visa related measures implemented to address labour shortages in agriculture

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Attachment A

Visa related measures implemented to address labour shortages in agriculture

Date	Measures
4 April 2020	<ul style="list-style-type: none"> Allowing Pacific Labour Scheme (PLS) and Seasonal Worker Program (SWP) visa holders to extend their stay in Australia to support the agriculture sector and providing an exemption from the requirement to work for a single employer. Giving Working Holiday Makers (WHMs) working in agriculture an exemption from the six month limitation working with one employer. Enabling WHMs to apply for a further visa to continue working in agriculture for an additional 12 months. Allowing temporary visa holders in Australia working in agriculture to apply for a COVID-19 Pandemic Event visa to extend their stay for an additional 12 months.
July 2020	The Government announced that those with skills in agriculture, including shearers, primary industry, food production and maritime industry, are considered critical and were added to a list of those who can be considered for exemption from Australia's travel restrictions.
4 August 2020	The Government announced a targeted trial to help Northern Territory mango producers access the workers they need to address critical labour shortages.
21 August 2020	<p>The Prime Minister announced the restart of the PLS and SWP to help fill labour shortages in key industries, particularly the agricultural sector.</p> <ul style="list-style-type: none"> From the restart to 26 March 2021, 3,289 workers from Vanuatu, Tonga, Fiji, the Solomon Islands, Papua New Guinea and Timor-Leste have travelled to Australia to NT, QLD, NSW, SA, TAS and WA to take part in the programs (includes trial).
1 November 2020	The Government will provide relocation assistance to visa holders with work rights to move to regional areas to take up agricultural work. Visa holders may be eligible to receive relocation assistance of up to \$2,000.
5 January 2021	<p>The Government announced additional flexibility measures for temporary visa holders to work in agriculture:</p> <ul style="list-style-type: none"> Extending the timeframe to apply for a COVID-19 Pandemic Event visa from 28 days to 90 days before an existing temporary visa expires; Removing the COVID-19 Pandemic Event visa requirement that visa applicants must demonstrate their attempts to depart Australia where they intend to undertake agricultural work; and Relaxing the 40 hours per fortnight work limitation for student visa holders who undertake work in the agricultural sector.
February 2021	The Government decided to continue extending the stay of agricultural workers, providing access for a further 12 months stay through the COVID-19 Pandemic Event visa.

27 February 2021	Visa holders impacted by COVID-19 travel restrictions can access a refund or waiver of their Visa Application Charge. Includes refunds for WHMs, SWP and PLS visa holders. WHM waivers implementation TBA.
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Global Business and Talent Attraction Taskforce

Key Highlights

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

The Taskforce is utilising all available levers, including Australia's successful management of COVID-19, to attract high value global businesses and exceptionally talented individuals to Australia.

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

Overview

The Taskforce is targeting and attracting enterprises and individuals who will partner and co-invest with Australian enterprises, build businesses in Australia and create new jobs. These business will support the Australian economy by building Australia's skill base, drive innovation, and build national resilience by filling gaps in critical supply chains.

The Taskforce complements, and does not duplicate, existing priorities and programs across Government, taking a national approach and utilising all available levers to attract talent and businesses to Australia and facilitate rapid integration into the Australian economy.

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

Current Situation

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.

The Taskforce is funded to 30 June 2022, with a total budget of \$AUD29.8 million over two financial years (FY2020-21 & 2021-22).

The Taskforce is attracting a broad range of exceptionally talented individuals, focused on the priority umbrella sectors of Advanced Manufacturing, Health and Financial Services. The Taskforce is actively engaging with a number of prospective companies and expects to finalise a number of relocations over coming months. In parallel, the Taskforce is actively generating new leads and initiating new conversations with global businesses to discuss relocation to Australia.

Stakeholders / Forums

The Taskforce provides fortnightly updates to the Policy Implementation Committee of Cabinet, which tracks the implementation of government initiatives to ensure delivery.

The Taskforce reports to a Ministerial Oversight Group that provides strategic guidance to the Taskforce on priorities and opportunities and reviews performance. The Ministerial Oversight Group is currently chaired by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs and comprises the Foreign Minister, the Minister for Employment, Skills, Small and Family Business, the Minister for Industry, Science and Technology, and the Assistant Treasurer.

The Taskforce continues to engage with a broad range of industry stakeholders to comprehensively understand the evolving marketplace.

The Taskforce works closely with States and Territories on both attraction and facilitation. At an operational level this includes the identification of incentives and policies to attract global businesses and talent to Australia. The Northern Territory and NSW have seconded officers to the Taskforce, with South Australia and Victoria committed to do so.

Outlook

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.

The Taskforce is prioritising the attraction of businesses and exceptional individuals from Hong Kong, Singapore, the United States and the United Kingdom. The Taskforce remains open to broader opportunities across all sectors and from all countries.

The Taskforce works closely with relevant Commonwealth Departments on policies and incentives we might develop to enhance Australia's attractiveness to global businesses and talent. In addition to recent visa changes implemented to support attraction efforts, it is anticipated that new incentives will be put forward in the context of the 2021-22 Budget.

Contact Details

Name: Peter Verwer, AO
Prime Minister's Special Envoy for Global Business and Talent Attraction
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Commonwealth Coordinator-General for Migrant Services

Group Overview

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.

Since her appointment in late 2019, 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;
- developing a data-driven approach to understanding Australia's refugee and humanitarian entrant unemployment challenge; and
- developing a more rigorous approach to defining and measuring settlement and integration outcomes for refugees and humanitarian entrants.

Group Priorities

The Coordinator-General's current priorities include advising the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs on:

- a revised approach to community sponsorship of refugees and humanitarian entrants to better harness financial and social capital from the broader Australian community to achieve stronger employment and language outcomes and better social integration;
- 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, and increased flexibility and use of technology in the program; and
- 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*. Supported by a small policy team, the Coordinator-General works closely with federal departments, state, territory and local governments, industry, the community sector and refugees and migrants themselves to drive better settlement and integration outcomes.

Contact Details

OFFICIAL

Name: Alison Larkins

Commonwealth Coordinator-General for Migrant Services (Deputy Secretary)

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OFFICIAL

National Resilience and Cyber Security Group

Group Overview and Priorities

The National Resilience and Cyber Security (NRC) Group engages in the Security and Prosperity outcomes of the Department. 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 and coordination 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 Ministerial 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 and Indo-Pacific Strategy.

Cyber, Digital and Technology Policy Division brings together a single Home Affairs focus on national security implications of cyber, digital and technology policy issues. This includes policy on cyber security, cybercrime, cyber enabled crime, online harms, critical and emerging technology, data and digital security policy issues.

2021 priorities are: contribution to the digital, cyber and identity elements of the Government's Digital Economic Strategy; implementation of Australia's Cyber Security Strategy 2020; supporting your Cyber Security Industry Advisory Committee chaired by the CEO of Telstra; development of a National Plan to Combat Cybercrime; leading a Cyber Security Best Practice Regulation Taskforce to develop standards and regulation that lifts the cyber security and cyber resilience of the Australian digital economy; data security reforms, leading the cyber security elements of the Critical Infrastructure and Systems of National Significance reforms; Big Technology policy reforms, including work to combat child exploitation, online violent extremism, protection of women and law enforcement access to data.

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 to

implement mitigation strategies in close collaboration with states, territories and industry. The Division works collaboratively with critical infrastructure owners and operators, states and territories, and Commonwealth regulators, primarily through the Trusted Information Sharing Network for Critical Infrastructure Resilience, 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, including Telecommunications Sector Security Reforms, and dispensing advice, under specific legislation.

The Division's priority in 2021 will be the continuation of its work to support the Critical Infrastructure and Systems of National Significance 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 former Minister for Home Affairs introduced to Parliament on 10 December 2020.

Identity and Biometrics Division provides national identity policy, expertise, services and capability to support the Department, Commonwealth, state and territory agencies, industry and the broader community. This is achieved through the provision of policy frameworks, technical expertise, capability development and identity verification services to enhance the Australian identity framework and infrastructure. Higher levels of assurance around identity and biometrically anchoring a person's identity by their facial image or fingerprints enables streamlined access to Government and industry services, reduces identity crime and fraud and promotes engagement in the digital economy.

The Division currently has three key priorities. First, to expand the collection of facial and/or fingerprint biometrics to 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 secure identities. Second, to provide the foundational support and identity verification services to industry and government to support the rollout of the Government's Digital Identity program. Identity is a critical factor in establishing and maintaining the trust needed for Australians and businesses to confidently embrace and engage in the digital economy. Third, establishing national identity security policy and advice to support the Digital Economic Strategy.

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 ensures that the Department and Australian Border Force take an intelligence-informed approach to identifying threats to Australia's border continuum—including in the movement of goods/cargo, international travel, and the screening of visa and citizenship applications—to support informed decision-making and operational activity.

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.

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. 47C(1)

; and evolving regional processing in Nauru through establishing an enduring regional processing capability by 31 December 2021.

Contact Details

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Deputy Secretary, National Resilience and Cyber Security Group

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Ministerial International Engagements (including Five Country Ministerial Meetings)

Key Highlights

Your next key international engagement is the Five Country Ministerial (FCM) meeting scheduled to be held virtually on 8 April 2021.

The FCM is a Ministerial-level forum of homeland security, public safety and immigration Ministers from Australia, Canada, New Zealand, the United Kingdom and the United States of America.

Your proposed forthcoming bilateral engagements include an April virtual meeting with the United States Attorney General, and a June multilateral virtual engagement on the Bali Process Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Overview

Since March 2020, COVID-19 related travel restrictions have resulted 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. As the national vaccination schedule is progressed, international travel could resume pending further required data on vaccine efficacy and other global developments.

A list of your scheduled international engagements, both virtual and in-person, for the remainder of 2021 is provided at [Attachment A](#).

Your next key international engagement is the FCM meeting scheduled on 8 April 2021.

[Attachments B-D](#) provide further information regarding the FCM meeting.

Attachments

Attachment A - International travel and virtual meetings scheduled to be undertaken by the Minister for Home Affairs from 29 March 2021.

Attachment B - Overview of the FCM meeting, 8 April 2021.

Attachment C - Key FCM meeting outcomes.

Attachment D - Draft agenda of the FCM meeting, 8 April 2021.

Contact Details

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Ministerial international engagements scheduled from 29 March 2021

Date	Country	Details of engagement	Type
8 April 2021	N/A	Participate in the Five Country Ministerial virtual meeting. The Five Country Ministerial is a Ministerial-level forum of homeland security, public safety and immigration Ministers from Australia, Canada, New Zealand, the United Kingdom and the United States of America.	Virtual
April 2021 (TBC)	United States of America	Undertake a bilateral virtual meeting with United States Attorney General Merrick Garland.	Virtual
June 2021 (TBC)	Indonesia	Participate in the virtual Bali Process Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime.	Virtual
October 2021 (TBC)	United Arab Emirates	Undertake bilateral meetings with counterparts in the United Arab Emirates coinciding with the World Exposition 2020. This world expo has been postponed to commence on 1 October 2021 and will run for six months.	In person
2021 (TBC)	N/A	Undertake a bilateral meeting with the Director General of International Committee of the Red Cross.	TBC
2021 (TBC)	Indonesia	Participate in the Eighth Australia-Indonesia Ministerial Council on Law and Security virtual meeting.	Virtual
2021 (TBC)	Indonesia	Participate in the Fourth Sub-Regional Meeting on Counter Terrorism and Transnational Security, an annual Ministerial virtual meeting, co-hosted with Indonesia. The Sub-Regional Meeting is a unique security-focussed dialogue with the key objective to facilitate targets, timely and responsive action to combat shared regional security threats.	Virtual

Five Country Ministerial meeting 8 April 2021

The Five Country Ministerial (FCM) is the Portfolio's most significant international partnership, enabling high-level engagement with our most trusted partners on national security, migration and border policy matters. These responsibilities are distributed differently in each of the Five countries and as such, rather than constraining the focus of the Ministerial to account for those differences, the agenda of the FCM is 'cross-cutting'. Attending Ministers have increasingly demonstrated a willingness to discuss actions on issues outside the usual remit of their portfolios. s. 47C(1)

Owing to the shared values and interests between the Five Country nations, the FCM has evolved to become a central driver of progress on shared national security issues. Each Five Country Ministerial meeting since its creation in 2013 has included a diverse agenda and resulted in a number of specific outcomes to be pursued over the following year which have been called out in a joint communiqué.

The next virtual meeting of the FCM will be held on **Thursday 8 April 2021** from 0700-0930hrs.

- A draft agenda is at [Attachment D](#).
- A full briefing pack will be ready for delivery to you on 1 April (prior to the Easter long weekend).
 - Should you require a pre-brief, this can be arranged on 6 or 7 April either in person or virtually, depending on your location.
- A communications check has been scheduled for 1 April, at sites in Brisbane and Canberra.
 - Should you decide to participate from Canberra, the call will take place from the Parliament House Briefing Room.
 - A secure facility in Brisbane has also been booked (DLO will provide location details).
 - The Department welcomes earliest possible advice on you preferred location in order to confirm arrangements.
- For the meeting on 8 April, you will be supported by the following Home Affairs officials who will dial in from Canberra:
 - Secretary Pezzullo AO
 - Deputy Secretary National Resilience and Cyber Security Ablong PSM
 - Assistant Secretary Americas, Europe, Middle East & Africa Hodgins

Key Five Country Ministerial Outcomes

Each Five Country Ministerial meeting since its creation in 2013 has included a diverse agenda and resulted in a number of specific outcomes to be pursued over the following year. Further, each Ministerial (other than the inaugural meeting in 2013) has concluded with the issuing of a joint communiqué.

Below is a summary of some notable achievements from each Five Country Ministerial:

2013 Five Country Homeland Security Ministerial – San Francisco, United States

As the first Five Country Ministerial, the 2013 meeting was influential in setting the initial tone and direction of the forum. Cybersecurity of critical infrastructure, countering violent extremism, and data exchange initiatives featured on the agenda. Governance arrangements of the Ministerial were refined through the creation of a Sherpa group to develop outcomes documents and forward work plans.

2015 Five Country Ministerial – London, United Kingdom

All countries reaffirmed their commitment to the Five Country Ministerial and agreed the forum should focus its attention on national security issues. Ministers agreed s. 33(a)(iii) to expand the sharing of information between the Five on known sex offenders, and to work closer together to combat serious and organised crime.

2016 Five Country Ministerial – Washington D.C., United States

The recent terrorist attacks in Paris, Sydney and Ottawa loomed large during this meeting. Together with the Quintet, Ministers and Attorney-Generals agreed to exchange ideas on how to engage the private sector on encryption, and s. 33(a)(iii)

2017 Five Country Ministerial – Ottawa, Canada

Ministers discussed a variety of national security issues of mutual significance. Agreement was reached to send a joint letter to Communications Service Providers regarding the importance of countering online radicalisation, s. 33(a)(iii) and to enhance the sharing of terrorist watch list information.

2018 Five Country Ministerial – Gold Coast, Australia

Ministers tackled the broad ranging national security challenges facing the Five. Key achievements included the publication of a Statement of Principles on access to evidence and encryption, s. 33(a)(iii) the establishing of a Digital Industry Engagement Senior Officials Group, and the release of a joint statement on countering the illicit use of online spaces.

2019 Five Country Ministerial – London, United Kingdom

With an ever evolving national security environment, Ministers conversed on how the Five can work together to better address shared threats. Key outcomes included the signing of a joint Statement of Intent to align approaches on the security of Internet of Things technology, a commitment to create a set of Voluntary Principles with key participants in the technology industry to combat child sexual abuse material being shared online, and an agreement to share best practices on reducing asylum backlogs.

2020 virtual Five Country Ministerial

OFFICIAL

In lieu of a physical meeting, Ministers met virtually to discuss collective responses to national security issues in a COVID-19 environment. Ministers agreed to tackle hostile state activity threats collectively,
s. 33(a)(iii)

OFFICIAL



New Zealand 2020-2021

(Virtual) Five Country Ministerial

8 April 2021, 9:00 – 11:30 am (NZ Time)



Draft Agenda

To discuss the impact of COVID-19 on migration and borders, as well as other key areas of shared concern, including countering the threat of foreign interference and unwanted knowledge transfer in academia, research and development sectors, international cooperation and cyber crime, and child sexual exploitation and abuse (including encryption), to identify further opportunities to collaborate and learn from one another in the immediate and longer term.

Item	Detail	Lead	Timing
	Welcome to the meeting <i>Brief introductory remarks from the Virtual FCM Chair, Hon Kris Faafoi</i>	NZ	2 mins
1	Overview of New Zealand's Royal Commission of Inquiry into the terrorist attack on Christchurch mosques <i>1.1 Overview from Minister Faafoi of the Royal Commission of Inquiry's findings and recommendations, and the New Zealand Government's initial response and community engagement.</i> <i>1.2 Discussion and questions.</i>		25 mins 10 mins 15 mins
2.	Migration and Border Implications of COVID-19 <i>2.1 Discussion of respective approaches to:</i> <ul style="list-style-type: none"> border and migration management in response to the COVID-19 pandemic; the facilitation of travel specific cohorts (e.g. temporary workers, international students and tourists), and the utilization of new migration management technologies; and irregular migration in the COVID-19 context, including changes being seen to irregular migration and human smuggling patterns, new threats identified, and plans being undertaken to address a potential increase in irregular movements as travel restrictions are eased. 	NZ / Canada / Aus	35 mins

	<p><i>Sequencing:</i></p> <ul style="list-style-type: none"> ➤ <i>NZ to open the discussion, with a brief overview of NZ approach;</i> ➤ <i>CANADA (1st response) to give a brief overview of Canadian approach;</i> ➤ <i>AUSTRALIA (2nd response) to give a brief overview of Australian approach; and</i> ➤ <i>General discussion by Ministers on possible areas of cooperation / deliverables.</i> <p>s. 33(a)(iii)</p>		<p>5 mins</p> <p>5 mins</p> <p>5 mins</p> <p>15 mins</p>
3.	<p>Creating a biosecure international travel ecosystem</p> <p><i>3.1 Presentation and discussion:</i></p> <ul style="list-style-type: none"> • Australia and New Zealand will briefly outline their respective approaches to the biosecure resumption of international travel in the context of resilience against future pandemic events, including the role of relevant work in multilateral fora. • Ministers will then exchange views on what learnings can be taken from COVID-19 in order to shape an international ecosystem better able to withstand future pandemics, including decreasing the requirement for or duration of border closures. <p><i>Sequencing:</i></p> <ul style="list-style-type: none"> • <i>General discussion by Ministers of opportunities, risks and potential areas of collaboration, and cooperation / deliverables.</i> <p>s. 33(a)(iii)</p>	<p>s. 33(a)(iii)</p>	<p>20 mins</p> <p>10 mins</p> <p>10 mins</p>

	s. 33(a)(iii)		
4	<p>Countering the threat of foreign interference and unwanted knowledge transfer in academia, research and development sectors</p> <p><i>4.1 Discussion:</i></p> <ul style="list-style-type: none">Canada will provide an overview of the current and emerging threats of foreign interference and unwanted knowledge transfer in academic and R&D sectors. The overview will highlight how the current COVID-19 pandemic has impacted biopharmaceutical and broader health science research sectors. s. 33(a)(iii)Ministers will participate in a discussion on the biopharmaceutical research sector specifically as a case study to explore additional opportunities for collaboration in countering foreign interference risks and unwanted knowledge transfer. <p><i>Sequencing:</i></p> <ul style="list-style-type: none">➤ CANADA to give a brief overview of the current and emerging threats and of Canadian approaches;➤ AUSTRALIA (1st response) to give a brief overview of Australian approach;➤ USA to provide an update on the Migration Five's work to address the threat of non-traditional intelligence collectors; and➤ General discussion by Ministers of their approaches and opportunities to mitigate the threat of foreign interference and unwanted knowledge	<p>s. 33(a)(iii)</p> <p>20 mins</p> <p>5 mins</p> <p>5 mins</p>	

	<p><i>transfer in academic, research and development sectors, and possible areas of cooperation / deliverables.</i></p> <p>s. 33(a)(iii)</p> 		<p>5 mins</p> <p>5 mins</p>
5	<p>International Cooperation and cyber crime</p> <p><i>5.1 Presentation and discussion:</i></p> <ul style="list-style-type: none"> Minister Blair will open this session with a presentation of Canada's work to identify and address challenges posed by ransomware and present highlights from the Ottawa 5 ransomware policy paper, pending its completion; and Minister Blair will discuss developments in international cybercrime governance, notably the UN cybercrime treaty process, encouraging a discussion between FCM partners. <p><i>Sequencing:</i></p> <ul style="list-style-type: none"> US (1st response) to provide its perspective and experiences; General discussion by Ministers of their approaches, and possible areas of cooperation / deliverables <p>s. 33(a)(iii)</p> 	<p>s. 33(a)(iii)</p>	<p>20 mins</p> <p>10 mins</p> <p>5 mins</p> <p>5 mins</p>

	s. 33(a)(iii)		
6	<p>Child Sexual Exploitation and Abuse (including encryption)</p> <p><i>6.1 Discussion:</i></p> <ul style="list-style-type: none"> • Next steps on the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse; • Taking a more coordinated industry engagement approach to law enforcement access to data; and • Consideration of a feasibility study into the development of a Five Country has list of child sexual abuse material (CSAM). <p><i>Sequencing:</i></p> <ul style="list-style-type: none"> ➤ <i>UK to open discussions & propose next steps on the statement;</i> ➤ <i>AUS (1st response) to respond to the proposals; and</i> ➤ <i>General discussion by Ministers in response to the proposals and possible areas of cooperation / deliverables.</i> 	<p>s. 33(a)(iii)</p>	<p>20 min</p> <p>5 mins</p> <p>5 mins</p> <p>10 mins</p>

	s. 33(a)(iii)		
7	FCM Communiqué <i>7.1 Discussion and outcome:</i> <ul style="list-style-type: none"> Ministers to discuss and agree final FCM communiqué. 	s. 33(a)(iii)	5 mins
8	Next Steps <ul style="list-style-type: none"> Agreed actions and timeframes; and Discuss preferences for future FCM meeting. 	s. 33(a)(iii)	3 min
			Total: 2.5 hours

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Managing the 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, the Department of Foreign Affairs and Trade (DFAT) established a taskforce to assist Australians to return to Australia. The Department of Home Affairs (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. As of 26 March 2021, around 488,000 Australians (including Permanent Residents) have returned to Australia from overseas since the Government recommended that people reconsider the need to travel abroad in March 2020. As of 26 March 2021, the Government has assisted over 42,700 Australians to return from overseas including over 17,000 on 115 Government facilitated flights since March 2020.

The Government works closely with states and territories through National Cabinet on managing international air passenger arrival caps, which are set by the states. The international air passenger arrivals caps are in place to enable quarantine levels to be managed in respective jurisdictions. In light of Australia's vaccine roll-out and the evolving international environment, the future of international air passenger arrival caps (currently in place until 30 April 2021) will be discussed at the 9 April 2021 National Cabinet meeting.

Current Situation

As at 26 March 2021, around 35,800 Australians overseas are registered with DFAT as seeking to return to Australia. Further restrictions are being implemented in many countries worldwide in light of further waves of infection and the emergence of new variants of the virus. Registrations have held steady at around 40,000 for the last six months. In March 2021 total registrations started trending downwards.

Government facilitated commercial flights continue to arrive in to Australia. The Government has agreed to funding Government facilitated commercial flights until the end of the year with current scheduling in place for March and April 2021. Forward scheduling will be based on demand and influenced by National Cabinet decisions on international air passenger arrival caps, the international COVID-19 situation, and decisions on reopening international borders. Government facilitated commercial flights have assisted Australians return from Europe, the United Kingdom, South Africa, Canada, the United States of America, South America, and India.

The Government has supported the Howard Spring Quarantine Facility in Darwin to increase the number of quarantine places available for returning Australians (over and above places available in state and

territory hotel-based quarantine facilities). Following National Cabinet on 5 March 2021, the Prime Minister announced the capacity of Howard Springs Quarantine Facility will increase to 2,000 people per fortnight with cohorts arriving on a rolling schedule. Implementation plans are currently being developed for the Northern Territory Government to scale up its health and quarantine workforce, and take over responsibility for all arrivals to the facility. The increased capacity will begin to come on line in May 2021 with full capacity of 2,000 expected by mid-year.

Legislation Framework

On 25 March 2020, the Minister for Health and Aged Care, 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 an outbound travel ban, which commenced at midday on 25 March 2020. On 2 March 2021, Minister Hunt announced the latest extension to the human biosecurity emergency period by an additional three months until 17 June 2021.

The Australian Border Force (ABF) Commissioner has been authorised by the Prime Minister to consider exemption requests for inwards travel.

Further information on the ABF response to COVID-19, is available in the ABF Fact Book 2021.

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 the ability for Australians to return home is not adversely affected by other international arrivals, noting that 14 day quarantine in designated facilities remains the best way to protect Australia from COVID-19. Any request to reopen international arrivals to other cohorts such as international students or for major events must be able to utilise alternative quarantine facilities outside of hotel quarantine managed by the States and Territories. On 9 April 2021, National Cabinet will consider the Roadmap for Reopening developed by the COVID-19 Risk Analysis and Response Taskforce. The Roadmap will provide National Cabinet with benchmark policy settings to respond to new and emerging risks in a cohesive way on the path to reopening the international border. The Roadmap is likely to remain a standing agenda item for subsequent National Cabinet meetings due to the evolving health situation and the national vaccine rollout.

Contact Details

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Deputy Secretary National Resilience and Cyber Security

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Reopening a Biosecure Border

Key Highlights

The Department of Home Affairs (the Department) is supporting many lines of effort across Government. The response to COVID-19 and the reopening of Australia's borders is a whole-of-government effort.

Australia is seeking develop an enduring biosecure international travel system, that will mitigate the risk of transmission of COVID-19 and future human biosecurity hazards. This system will be underpinned by agreed international standards to enable safe international travel at scale

Australia is working with partners to shape and influence the development of these international standards. Australia is coordinating its engagement in relevant multilateral fora, such as the International Civil Aviation Organization (ICAO), the World Health Organization (WHO), the G7 and the G20, to achieve this outcome.

Overview

The safe re-opening of Australia's international border is critical to Australia's economic recovery. The Government's ability to assess a traveller's human biosecurity profile will be strengthened by the effective capture and validation of a traveller's biometrically-anchored health status, 14 or 28 day travel history, along with visa and contact information. This information will support effective passenger management, contact tracing, quarantine management, and individual health risk evaluations to mitigate the further spread of COVID-19 and increase traveller and community confidence.

Australia is creating an enduring biosecure border management system that will enable a gradual and safe re-opening of the international border. This is being achieved through an iterative development process of capabilities, policies and processes. The aim is to put in place a robust, resilient and layered border defence that uses all reasonable avenues of mitigation against the risk of COVID-19 and other human biosecurity threats, whilst facilitating the progressive re-opening of our international borders. The biosecure international travel ecosystem concept note is at [Attachment A](#).

Current Situation

The Department is working across Government and with industry leaders to ensure new policy and operational settings will support the safe re-opening of Australia's international border. The aim of creating a sustainable biosecure border will be to:

- identify and manage risks of international travel, as far ahead of the border as possible before the initial point of entry;
- ensure the secure digital capture of vaccination status, underpinned by global standards, that are interoperable with existing and emerging domestic and international systems;
- ensure the health status and other traveller information, including 14 or 28 day travel history, is biometrically anchored to individual identities; and

- enable efficient and lawful ways to capture and share relevant traveller data that can be integrated with Government health, visa and border assets, emerging industry platforms, and relevant international partner assets.

The Department and the Australian Border Force (ABF) introduced an interim digital solution, the Australia Travel Declaration (ATD) to collect, use and disseminate travellers' biometrically-anchored information. The ATD captures relevant traveller health and location information ahead of the border to inform decisions about necessary quarantine arrangements and to support state and territory contact tracing efforts. However, the ATD is not mandatory.

The Digital Passenger Declaration (DPD) has been identified as Australia's enduring solution to collect pre-flight information from passengers to support the safe reopening of Australia's border, replacing the ATD. Scheduled for delivery in the second half of 2021, the DPD will be designed to allow for the progressive integration of many different types of COVID-19 vaccination certificates and health pass providers, prioritising those that have the greatest traveller coverage and highest assurance standards.

s. 47C(1)


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The Department and the ABF are working closely with other relevant agencies to undertake the necessary planning for notional 1 November 2021 reopening of the international border with the date to be adjusted in line with health advice.


Stakeholders / Forums

The Department is working with a range of government agencies to support the safe and sustainable re-opening of the international border including the Department of the Prime Minister and Cabinet, the Department of Health and the Department of Foreign Affairs and Trade. Internationally, the Department is growing the political mandate for working together to promote the development of common, international, government and industry standards to support a biosecure border framework. Our bilateral and multilateral engagement is seeking to influence discussions and broaden support for the resumption of safe international travel, utilising emerging technology and industry capabilities.

s. 33(a)(iii)

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s. 33(a)(iii)




Australia is also engaging with major airlines and industry bodies on digital solutions to support safe international travel. The Department is monitoring and assessing emerging industry-led digital technology solutions, such as digital health passports, to understand their contribution to the management of the biosecurity status of traveller and their interoperability with the DPD.

Outlook

The Department and the ABF will continue to work across Government and with a range of government agencies to support the safe and sustainable re-opening of the international border. We will continue to work internationally on the establishment of international standards and pilot approaches for a digital vaccination certificate to support a biosecure border system. Coupled with the domestic vaccines rollout, this effort may contribute to the safe reopening of Australia's international border in a way that supports Australia's economic recovery and safely manages the risk of not just COVID-19 but any future biosecurity hazard.

s. 47C(1)



Attachments

B. Concept Note: Creating a biosecure international travel ecosystem.

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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 the Department).

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), s. 33(a)(i)
- 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). s. 33(a)(i)

Returns occur through one of the following mechanisms:

- 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. s. 33(a)(i)

Since the commencement of OSB in September 2013, s. 47E(d) people smuggling ventures carrying s. 47E(d) 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 s. 47E(d) 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 s. 47E persons on board were rapidly returned to their country of departure.

Between 19 December 2013 and 18 December 2020, s. 47E(d) people aboard s. 47E(d) 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.

s. 47E(d)

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 Group, 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.

s. 33(a)(i), s. 47E(d)

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.

The Minister for Home Affairs has led a strong public presence by leveraging JATF OSB's focused 'Zero Chance' strategic communications campaign. The key message is people who attempt illegal passage will not succeed in resettlement in Australia. s. 47C(1), s. 47E(d)

Contact Details

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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 permanently 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 29 March 2021, there are 239 transferees under offshore regional processing arrangements (109 in Nauru and 130 in PNG), and a further 1,199 transitory persons (including 265 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 29 March 2021, 932 refugees resettled) or another third country; settlement in PNG; or assisted voluntary return home or to a country to which they have right of entry. 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 by 31 December 2021 to:

- s. 33(a)(iii), s. 47E(d)
- establish an enduring regional processing capability in Nauru s. 33(a)(iii), s. 47E(d) commencing from 31 December 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 continue throughout 2021.

The COVID-19 situation in PNG is escalating and, as at 29 March 2021, ten transferees (six active) have tested positive for COVID-19. Transferees with COVID-19 are supported to isolate with dedicated accommodation, food, water, and medical treatment if required. There is no COVID-19 in Nauru.

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 return requests, as well as actions seeking orders to prevent the return of transitory persons to Nauru or PNG. Return of transitory persons is occurring on a case-by-case basis. To support returns, a new section 198AD(5) Ministerial Direction was signed on 23 March 2021, directing returns to Nauru, where it is not reasonably practicable to return the person to 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 has been the subject of numerous parliamentary inquiries, and independent reviews. Regular senior officials meetings are held with senior Nauru and PNG officials. Ministerial engagement with counterpart Ministers in Nauru and PNG is critical to effective implementation.

Outlook

s. 47E(d), s. 33(a)(iii)

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Online Harms

Key Highlights

Criminals and extremists are increasingly utilising technology to avoid detection online and perpetrate crime that impacts the lives of Australian citizens and the livelihoods of Australian businesses. The Government is committed to ensuring that agencies have the powers and capabilities they need to identify and disrupt threats to the safety of Australians – particularly children and vulnerable communities online.

The Department works closely with portfolio agencies, particularly the AFP, to develop the policy response to the challenges of online harms. Australia's \$1.67 billion *Cyber Security Strategy 2020* (the Strategy), launched in August 2020, included \$89.9 million for investment in the AFP to bolster its ability to target cyber criminals. This builds on the \$68.8 million over four years in the 2018-19 Budget for the AFP to establish the Australian Centre to Counter Child Exploitation (ACCCE).

Overview

The Department is working across government, with Five Eyes and other international partners, and with industry including 'Big Tech' companies, to develop policy and practical solutions to combat the dynamic and growing threat of online harms – including those associated with cybercrime, online terrorism and violent extremism, and online child sexual abuse. We are coordinating a global response to escalating transnational and serious crime, extremist rhetoric and disinformation online, and ensuring our agencies can keep pace with the ongoing exploitation of emerging technologies by criminals.

Cybercrime

The Department is developing a National Plan to Combat Cybercrime (to be delivered in FY2021-2022) on measures to detect, deter, prevent, respond and recover from the harms caused by cybercrime. The Department will soon commence consultation with industry on the Plan.

The Department also leads Australia's participation in the negotiations on the Budapest Convention Second Additional Protocol on Enhanced Cooperation and Disclosure of Electronic Evidence (the Protocol). Development of the Protocol commenced in 2017 and is scheduled to be completed in first quarter 2021. It will streamline international crime cooperation between parties and enhance cross-border access to data by Australian law enforcement agencies.

Online terrorism and violent extremism

In June 2019, the Prime Minister championed the adoption of the G20 Osaka Leaders' Statement on Preventing Exploitation of the Internet for Terrorism and Violent Extremism Conducive to Terrorism.

In 2019, the Government committed, with support from New Zealand and the Republic of Korea, to fund the Organisation for Economic Cooperation and Development (OECD) to develop a global standard for companies to transparently report efforts to prevent, detect and remove terrorist and violent extremist content from platforms – the Voluntary Transparency Reporting Framework (VTRF).

As part of the response to the livestreamed Christchurch terrorist attacks, Australia passed the *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* (Act). The Act adds new offences to the Criminal Code concerning online abhorrent violent content.

Furthermore, Australia developed and tested an Online Content Incident Arrangement in October 2020 that details the responsibilities and arrangements between law enforcement, the Crisis Coordination Centre, the eSafety Commissioner and digital industry for removing or blocking online content in the event of a live streamed or viral terror attack. The Department is also working to improving industry's response to extremist disinformation on digital platforms. New Zealand will lead discussion on an overview of New Zealand's Royal Commission of Inquiry into the terrorist attack on Christchurch mosques at the 8 April 2021 Five Country Ministerial meeting.

The Department is in consultation with the Global Internet Forum to Counter Terrorism (GIFCT) - a new industry led non-government organisation. Australia is contributing to the GIFCT via Transparency and Crisis Response Working Groups, and a Multi-Stakeholder Forum comprising digital industry, civil society and government representatives.

Online child sexual abuse

On 3 September 2018, the AFP-led ACCCE was established to drive the national effort to counter the global epidemic of child exploitation. The ACCCE provides an integrated and collaborative capability by bringing together the expertise of law enforcement, government, non-government agencies and private industry.

The Department is coordinating the Home Affairs Portfolio initiatives under Australia's forthcoming 10-year *National Strategy to Prevent Child Sexual Abuse*, to be launched in late 2021.

Online child sexual abuse is becoming more prevalent, commodified, organised and extreme. Australia is working with the Five Countries—in partnership with the WePROTECT Global Alliance—to call on digital industry to implement the *Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse*, launched by Five Country Ministers on 5 March 2020.

On 12 January 2021, the Five Countries issued a joint statement urging the European Union (EU) Parliament to protect children online by adopting temporary legislative measures to the ePrivacy Directive to address the unintended consequences of the European Electronic Communications Code, which has made it illegal for companies in the EU to use tools to detect child abuse material.

The Government announced its intention to establish a National Public Register for Child Sex Offenders on 9 January 2019, and committed \$7.766 million over four years in the 2019-20 Budget for the ACIC to create and host the website. Establishing a Register is only possible with the support of states and territories, who manage the data and whose laws currently prohibit its release.

At the 8 April 2021 Five Country Ministerial Australia and the United Kingdom will lead call for future action on a coordinated approach to countering child exploitation including consideration of encrypted communications. Encrypted communications and public safety

In March 2019, Facebook announced its plan to implement end-to-end encryption across its messaging services. This will significantly reduce Facebook's visibility of harmful content on its platform, with an important detrimental impact on law enforcement's ability to prosecute crime.

In 2020, Facebook made 95 per cent of the 21.7 million total reports of online child sexual abuse (comprising 65.4 million images/videos/files) to the United States National Center for Missing and Exploited Children (NCMEC). NCMEC estimates more than 50 per cent of these reports will vanish with the roll out of end-to-end encryption by default on social media messaging platforms.

On 11 October 2020, Australia, alongside our Five Country partners, India and Japan, signed the *International Statement: End-to-End Encryption and Public Safety* calling on technology companies to maintain lawful access to encrypted communications.

Stakeholders / Forums

A coordinated global approach to combatting online harms is vital. Your key stakeholders include your Five Eyes counterparts, and heads of digital communications and technology companies, including social media giants.

Outlook

There is significant opportunity to build on the strong foundations of your Five Eyes network and progress tangible global action to combat online harms. There is vital work to be done in resetting the rules and requirements for technology companies to operate in Australia. It is imperative that industry work with Government to ensure effective measures in combatting harmful and illegal online content.

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Digital Security - Data, Identity and Cyber Security (including cybercrime)

Key Highlights

A digital economy is only as successful as the trust that both businesses and consumers have in it. Australia's digital economy is underpinned by data security, cyber security and identity assurance measures that Home Affairs manages for Government. The Department is seeking to develop additional measures that will enable security-by-design across the entire digital economy, ensure sovereignty and security of Australian data, and support digital identity.

This work builds on *Australia's Cyber Security Strategy 2020*, released on 6 August 2020. The Strategy lays strong foundations for Australia's digital future, investing \$1.67 billion, including \$1.35 billion for the Australian Signals Directorate, for initiatives 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.

Overview

Cyber security threats are increasing in scale and sophistication. Nation states and increasingly sophisticated criminals are exploiting Australians by accessing sensitive information, including for financial gain. Criminals are using the dark web to buy and sell stolen identities, illicit commodities, 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.

This investment lays strong foundations for Australia's digital future – creating jobs, contributing to Australia's recovery from COVID-19 and ensuring longer-term prosperity. There are opportunities for further reforms to enable digitisation, deliver digital infrastructure and drive economic growth and productivity. Government has a key role to play in establishing the frameworks to drive the digital transformation of businesses and the community while reinforcing digital trust and inclusion. Government should also be an exemplar of good digital security, for both Australian industry and consumers.

Current Situation

Under *Australia's Cyber Security Strategy 2020*, the Department's first priority is to deliver reforms to protect critical infrastructure and systems of national significance, which seek to uplift the security and resilience of eleven critical sectors. Progress under the Strategy is detailed at **Attachment A**.

Trusted digital identities are critical to realising the benefits and managing the risks that are inherent in the digital economy. The Government's \$256.6 million investment in Digital Identity through the Digital Business Plan establishes the framework needed for a national Digital Identity scheme to make it easier and safer for people to access online services and provide additional protections against identity crime. This Digital Identity scheme is led by the Digital Transformation Agency, and includes the Trusted Digital Identity Framework – an accreditation regime for Digital Identity providers – the first of which is the Government's myGovID service, [provided by the Australian Tax Office]. Services Australia operates the Digital Identity exchange, a system which connects Digital Identity providers to the online services that rely on them to verify a person's identity, including the myGov website.

Home Affairs supports the Digital Identity scheme as the custodian of identity records for the 29 per cent of Australians born overseas, and by working across the Commonwealth, states and territories to strengthen arrangements for managing more traditional identity documents, such as driver licences, that are used to create digital identities. This includes operating the national Document Verification Service which was used more than 62 million times in 2020 by over 1,500 government agencies and businesses, including myGovID, banks and telecommunications carriers.

Full national rollout of the digital identity scheme is dependent on legislation currently being developed by the Digital Transformation Agency to expand this scheme to state, territory and private sector organisations, and on passage of the Home Affairs-led *Identity-matching Services Bill 2019* currently before Parliament. This Bill will enable Home Affairs to operate a Face Verification Service that will be used by government and private sector organisations to create more trusted, biometrically-verified digital identities, including myGovIDs, offering greater assurance and protection against identity crime. Accompanying these legislative and policy settings are practical spending initiatives that will accelerate Australia's transition to a trusted digital ecosystem and give businesses a needed boost. Home Affairs is leading development of a suite of new initiatives to further strengthen the national identity arrangements on which the Digital Identity scheme is based. These include: a shared national ICT platform to link identity records held by Commonwealth, state and territory agencies; better ways to detect the misuse of identity documents and support identity crime victims; and extending the availability of digital identities to overseas persons linked to foreign business trading in Australia.

Legislation Framework

Australia's Cyber Security Strategy 2020 outlines a two-track approach to cyber security legislative reforms. Urgent reforms to the *Security of Critical Infrastructure Act 2018* were introduced to Parliament

on 10 December 2020 (further detail will be provided in a separate briefing). The Government has also committed to considering broader reforms to make the digital economy more resilient to cyber security threats. Home Affairs, working as part of a Cyber Security Best Practice Regulation Taskforce, has developed specific reform options for your consideration and industry consultation.

The Criminal Code Act 1995 (Cth) contains a range of offences criminalising cybercrime (primarily in Part 10.6 and 10.7). Work on data and identity will be supported by reforms to the *Privacy Act 1988*, the proposed *Data Availability and Transparency Bill*, the *Identity-matching Services 2019 Bill* currently before Parliament, and the proposed Digital Identity legislation.

Stakeholders / Forums

Data, identity and cyber security matters affect all Australians. Your key stakeholders will include international and domestic ministerial counterparts, high profile industry players, Australian businesses, including those representing small and medium enterprises.

Outlook

s. 47C(1)



Attachments

A: *Australia's Cyber Security Strategy 2020*: implementation progress

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Australia's Cyber Security Strategy 2020: implementation progress

Since the release of *Australia's Cyber Security Strategy 2020* on 6 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 your predecessor on 20 October 2020 to ensure that industry plays a continuing role in shaping the delivery of actions set out in the Strategy. The Department will seek your agreement to the ongoing appointment of members via Ministerial Submission. On 10 March 2021, the Chair and Minister for Home Affairs released the Committee's first public paper: *Locked Out: Tackling Australia's ransomware threat*.
- In November 2020, the \$8.3 million business **Connect and Protect Program** closed for applications. Successful applicants were agreed by you in March 2021 as Minister for Industry, Science and Technology (not yet announced).
- As part of bolstering law enforcement capabilities, on 3 December 2020 the **Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020** was introduced to Parliament. The Bill seeks new powers for the AFP and ACIC to combat serious crime online and is currently before the Parliamentary Joint Committee on Intelligence and Security.
- 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 brief on this initiative.
- In January 2021, the Department finalised the recruitment of 15 **outreach officers for the Joint Cyber Security Centres** to support cyber security engagement with businesses in the states and territories. These officers are commencing between February and June 2021.
- On 25 January 2021, the Department signed a **\$6.1 million contract with IDCARE** to bolster support to victims of identity and cybercrime (not yet announced).
- **Critical Technology Supply Chain Principles** have been developed, following a call for public submissions in late 2020. You are provided with a separate brief on this initiative.
- On 11 March 2021, the **Cyber Skills Partnership Innovation Fund** closed for applications. The Fund is being led by the Department of Industry, Science, Energy and Resources and applications are currently being assessed.
- A **Cyber Security Best Practice Regulation Taskforce**, co-led by the Department, Treasury and the Department of Industry, Science, Energy and Resources, have developed reform options to make Australian businesses more resilient to cyber security threats, including in the areas of privacy and consumer protection laws, corporate governance and smart (internet of things) devices. Voluntary incentives are also being considered an alternative way to encourage strong cyber security.

- The Department is developing Australia's next **National Plan to Combat Cybercrime** (to be delivered in the second half of 2021) on measures to detect, deter, prevent, respond and recover from the harms caused by cyber-enabled and cyber-dependent crime.
- A **\$4.9 million awareness campaign** targeting vulnerable Australians is being progressed under new Service Delivery and Coordination Committee of Cabinet guidelines.
- **Centralisation of Australian Government IT networks** (secure hubs) is being progressed through a new Secretaries Digital Committee.
- In partnership with the Department of Foreign Affairs and Trade, the Department coordinates whole-of-government, tailored policy **responses to malicious cyber activities**.

Digital Economy Strategy

Key Highlights

At the heart of any successful economy is consumer participation and the digital economy is no exception. To maximise the potential of the digital future, Australians and Australian businesses must feel safe and free to engage online and have confidence to make purchases and utilise Government services. There must be digital trust. The Minister for Superannuation, Financial Services and the Digital Economy, Senator the Hon Jane Hume, is leading the development of the Digital Economy Strategy, which the Department is supporting with a package of associated initiatives.

The Department is seeking to develop measures that will enable security-by-design across the entire digital economy, secure Australia's future connectivity, enhance border-data capabilities, ensure sovereignty and security of Australian data, and support digital identity.

Overview

In November 2019, the Prime Minister announced the Digital Technology Taskforce (DTT), led by the Department of the Prime Minister and Cabinet (PM&C) to work across government and the private sector to identify actions required for Australia to be a leading digital economy by 2030. The DTT coordinated the delivery of the Digital Business Plan in 2020, leading to the development of the Digital Economy Strategy for 2021. The Digital Economy Strategy, being coordinating by Minister Hume on behalf of the Prime Minister, reflects and builds on other Government processes including the 2020 Cyber Security Strategy. There are opportunities for further reforms to enable digitisation, deliver digital infrastructure and drive economic growth and productivity.

Current Situation

The Department is developing data security, data capability, cyber security and identity security new policy initiatives to underpin PM&C's proposed Digital Economy Strategy. This work will complement ongoing initiatives in progress across Government and will build on the 2020 Cyber Security Strategy.

Initiatives being brought forward will seek to introduce more rigorous policy settings for the storage and control of Government data, undertake initiatives to secure Australia's future connectivity (including 5G and 6G), strengthen the foundational identity management arrangements which underpin the Government's Digital Identity program, and strengthen the Department's border-data capability to enable greater collaboration and transparency and support law enforcement.

Legislation Framework


This work will be supported by reforms to the *Privacy Act 1988*, the Security Legislation Amendment (Critical Infrastructure) Bill 2020, the proposed Data Availability and Transparency Bill, the Identity-matching Services 2019 Bill (currently before Parliament), and the proposed Digital Identity legislation.

Stakeholders / Forums

The primary stakeholders for this body of work are PM&C, the Digital Transformation Agency, the Australian Signals Directorate, the Attorney-General's Department and the Department of Industry, Science, Energy and Resources and the Department of Infrastructure, Transport, Regional Development and Communications.

Outlook

s. 47C(1)



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Critical and Emerging Technology

Key Highlights

The Department provides strategic leadership to Australia's critical technology agenda, including by assessing and managing the national interest consideration of critical technologies, and uplifting the security of critical technologies and their supply chains.

Overview

The Department is a core leader of Australia's critical technology agenda. A range of measures being developed by the Department together form an opportunity to develop Australia's and Australian industry's position as a global leader in critical technology security and seize the current momentum behind the Government's appetite for enhanced risk management of critical technologies. These actions fall under the objectives of growing, protecting and promoting critical technologies. The outcome of this work is to ensure Australia has access to a diverse market of trusted vendors that produce the secure critical technologies our economy and society will rely upon.

Current Situation

The Department of Home Affairs has delivered and is leading a number of critical technology bodies of work domestically and internationally, including:

- Establishing the Critical and Emerging Technology Centre to risk manage critical technologies.
- Finalising the Critical Technology Supply Chain Principles (Principles) to ensure the Australian Government's purchasing decisions are used to develop and incentivise secure critical technology supply chains. The ten Principles were developed through a co-design process with industry and extensive public consultation, and are grouped under three pillars: security-by-design; transparency; and autonomy and integrity.
- Addressing the risks of deepfakes generated by artificial intelligence software, including how they could be used to disrupt a biometric border or elections.
- Developing a holistic suite of guidance for governments and practitioners to securely establish Smart Cities.
- Providing policy leadership and coordination for the Five Eyes on critical technologies and digital standards through the Ottawa 5 forums.
- Working with a range of agencies to enhance domestic and international collaboration on technology standards and Australia's involvement in international standards forums, including leading Australia's contribution to the Prague 5G Security Conference and Prague Proposals.
- Policy measures to ensure the security of 5G and future telecommunications connectivity in alignment with the Protecting Critical Infrastructure and Systems of National Significance reforms.
- Providing balanced risk management advice on critical technology risks to support a range of Government initiatives.
- Developing a framework and objectives to holistically manage critical technology security.

Legislation Framework

The Department's critical and emerging technology functions are not directly enabled by legislation. A new Public Interest Criteria is being developed to better protect critical technologies through visa screening.

Stakeholders / Forums

The principal Commonwealth Government partners of the Department in this work are:

- The Critical Technology Policy Office within the Department of the Prime Minister and Cabinet was established in July 2020 to provide coordinated whole-of-government advice on technology developments, opportunities and risks, and to recommend actions to promote and protect critical technologies.
- The Department of Industry, Science, Energy and Resources explores opportunities to promote the economic benefits of critical technologies.
- The Department of Foreign Affairs and Trade works, through the Cyber and Critical Technology Ambassador, to promote Australia's critical technology agenda internationally and establish partnerships therein.
- The Treasury is responsible for the *Foreign Investment Reform (Protecting Australia's National Security) Bill 2020* reforms which include new protections for critical technologies.
- The National Intelligence Community which provides an overview of threats

Internationally, the Department works closely with the Five Eyes, India, Vietnam, France, Czech Republic and the Netherlands. The Department chairs the two pre-eminent forums on critical technology security and standards for the Five Eyes through the Ottawa 5.

Outlook

s. 33(a)(i), s. 47C(1)

Attachments

A: *Critical Technology Supply Chain Principles* discussion paper.

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Hardening Government IT and Cyber Hubs

Key Highlights

As part of Australia's cyber security uplift, Australia's Cyber Security Strategy 2020 (released on 6 August 2020) committed to strengthen the defences of Commonwealth ICT systems by centralising their management and operations (known within the Government as "Hardening Government IT").

This commitment responds directly to a recommendation made in July 2020 by the Cyber Security Strategy Industry Advisory Panel, chaired by Telstra Chief Executive Officer Andrew Penn, that the Government should be a cyber security exemplar. The Government should not just ask the private sector to do more, but to also do more to improve its own security.

This commitment also addresses the findings of a number of recent reviews into the cyber resilience of Australian Government IT—that overall cyber security of the Government agencies continues to improve, but further improvements still need to be made.

Overview

Australia's Cyber Security Strategy 2020 committed to strengthen the defences of Commonwealth ICT systems by centralising their management and operations. Centralisation through secure hubs (known as "cyber hubs") will reduce the number of targets available to malicious actors, and allow the Government to achieve better security-focused outcomes and economies of scale from its cyber security expenditure. Shared cyber hubs provide a mechanism to leverage the experience and expertise of the mature cyber security Commonwealth entities to assist smaller entities with less mature cyber security. The development of this new operating model will also address the varying levels of cyber security maturity across Commonwealth entities.

Current Situation

The Digital Transformation Agency (DTA), with support from the Department, has established the Hardening Government IT program (the program) to be delivered over ten years.

The program is overseen by the Secretaries Digital Committee.

In July 2021, a 12 month pilot phase will commence with the Department and the Department of Defence, Services Australia, and the Australian Cyber Security Centre (ACSC) testing an initial set of core services and the conceptual Cyber Hub operating model. The findings from the pilot phase will be used to inform the future state, including where additional Cyber Hubs may be identified. As a cyber hub, the Department will provide cyber security services (such as cyber maturity assessments, threat intelligence reporting, 24/7 monitoring and alert notification) to ACIC and AUSTRAC by 30 June 2021. Planning for the AFP and ASIO to transition to the Home Affairs Cyber Hub will commence in 2021-22.

Work led by the DTA is also underway to develop standard cyber security clauses in government IT contracts.

A number of recent reports have highlighted the need for improved Australian Government cyber resilience. On 19 March 2021, an Australian National Audit Office report found that Commonwealth cyber policy and operational agencies (including the Attorney-General's Department, Australian Signals Directorate and the Department) have worked together to support implementation of cyber security requirements by Commonwealth agencies, and also that there is scope to further improve the accuracy of entities' self-assessments and strengthen arrangements to hold entities to account for the implementation of cyber security mandatory requirements. The report also found that the Department of the Prime Minister and Cabinet and the Attorney-General's Department did not accurately self-assess implementation of mandatory cyber security mitigation strategies and were subsequently assessed as not cyber resilient.

Stakeholders / Forums

Hardening Government IT is a whole-of-Government initiative. Industry, including the Cyber Security Industry Advisory Committee, is watching closely to ensure that Government is an exemplar for Australia's cyber security uplift.

Outlook

The overall cyber security of the Government agencies continues to improve, as indicated in the first annual Report to Parliament on the Commonwealth's Cyber Security Posture in 2019 (March 2020).

The Government introduced the Cyber Uplift program as part of the 2019-20 Federal Budget to enhance cyber security arrangements for whole-of-government systems and to mitigate potential cyber threats through enhanced monitoring and response capabilities. s. 33(a)(i), s. 47C(1)

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s. 47C(1)

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Safeguarding our Critical Infrastructure

Key Highlights

You are 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 legislative powers under the *Security of Critical Infrastructure Act 2018* and the *Telecommunications Act 1997*. A Bill presently before Parliament would, if passed, significantly expand these powers. The Department also works collaboratively with critical infrastructure owners and operators, and States and Territories, to ensure the continued operation of critical infrastructure in the face of all hazards.

Overview

The Department works across all levels of government and with owners and operators to identify and manage the risks to Australia's critical infrastructure, and to build resilience to support the national industrial base and Australia's economic prosperity.

Recognising the importance and vulnerability of our critical infrastructure, the Government has:

- established the Critical Infrastructure Centre (which sits within the Department) in January 2017 to develop a deeper understanding of these national security risks, and implement mitigation strategies in close collaboration with the Treasury and other Commonwealth agencies, states and territories, and industry; and
- enacted the *Security of Critical Infrastructure Act 2018* (commenced 11 July 2018) and the Telecommunications Sector Security Reforms (commenced 18 September 2018) to ensure it has the information it needs to undertake risk assessments in relation to critical infrastructure, and the power to issue directions to address national security risks if necessary.

In addition to exercising regulatory functions and powers under the above two pieces of legislation, the Department also:

- provides clear, consolidated national security advice to inform the Treasurer's decisions on critical infrastructure related foreign investment proposals under the *Foreign Acquisitions and Takeovers Act 1975* (the Department advised on 614 such cases in 2019/20); and
- 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.

This work is closely aligned with other Government initiatives such as Australia's Cyber Security Strategy and the National Counter Terrorism Plan.

Current situation

Critical infrastructure is increasingly interconnected and interdependent, delivering efficiencies and economic benefits to operations. However, connectivity without proper safeguards creates vulnerabilities that can deliberately or inadvertently cause disruption that could result in cascading consequences across our economy, security and sovereignty. In response to evolving threats to Australia's critical infrastructure, on 10 December 2020 the Government introduced the *Security Legislation Amendment (Critical*

Infrastructure) Bill 2020 (the Bill) into Parliament. This enhanced regulatory framework 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.

Targeted consultation

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 with businesses, peak bodies and States and Territory agencies. During this period the Department spoke with over 2000 participants from over 500 entities 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.

Parliamentary Joint Committee on Intelligence and Security

The *Security Legislation Amendment (Critical Infrastructure) Bill 2020* was introduced into Parliament on 10 December 2020 and referred to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) on 18 December 2020. The Department is preparing materials to support the Bill's consideration by the Committee and by Parliament. A private briefing for the Committee was held on 16 March 2021, but the Committee is yet to set timing for public hearings. The Committee has received 75 submissions, the majority of which are supportive of the reforms in principle while raising queries about details of implementation.

Stakeholders / Forums

The Minister for Defence is responsible for the Australian Signals Directorate and its Australian Cyber Security Centre, which will be key partners in implementing the enhanced regulatory framework for critical infrastructure. Other Ministers responsible for key sectors, including the Treasurer, the Minister for Infrastructure, Transport and Regional Development, the Minister for Industry, Science and Technology, and the Minister for Energy and Emissions Reduction, will be engaged in the co-design of regulatory obligations for relevant sectors. Key sectors of Australian industry will also be critical partners in the co-design of the regulatory framework.

Outlook

In addition to the PJCIS process, the Department is now working on a number of lines of effort to implement the reforms, including: developing guidance for industry on how the different aspects of the regime will work in practice; co-designing sector specific requirements with industry; developing rules for specific definitions outlined in the Bill; and developing plans to ensure that the Department and existing regulators (where applicable) have the capabilities and technology to effectively and efficiently implement the reforms.

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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 ABF, and is a fundamental enabler of the security of Australia's border and the integrity of Australia's migration programs.

Overview

The Intelligence Division, supports, through the provision of intelligence products, analysis and services, the Secretary and the Commissioner of the ABF 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

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. Most serious threat actors are well resourced, resilient and quick to adapt and an increasingly sophisticated and capable intelligence capability is required to keep up with this evolution. This reality was borne out during the COVID-19 pandemic, where, despite global disruptions to trade and people movements, threat actors only suffered minor disruptions to elicit operations and continued finding vulnerabilities in our border security.

The Division provides the first line of defence in detecting, deterring and combatting these threats. The Division leverages extensive data holdings from across the Department, the ABF and the National Intelligence Community (NIC) to provide intelligence that enables operational and policy outcomes. In the last six months of 2020 alone, the Division contributed to the detection of over 8,800 kilograms and over 10,800 litres of border controlled drugs estimated to have a combined total value of over \$1.1 billion. In addition, over the same period the Division also contributed to the detection of illicit cigarette and tobacco imports to recover Government revenue of over \$450 million.

The Division is geographically dispersed, with a presence in state and territory offices across the country. It works closely with partners across the Home Affairs Portfolio, state and territory law enforcement, and domestic and international intelligence partners. A major focus for the Division is leading the COVID-19 Joint Intelligence Group, which is focused on identifying COVID-19 related threats, including counterfeit vaccines, and vaccine and testing certificates.

The Division is also responsible for administering the Border Watch program which receives in excess of 40,000 referrals a year. From June this year the Border Watch program is scheduled to be running a

\$2.5m national media awareness campaign – a critical activity ahead of resuming more regular international travel patterns.

Further, the Division is also leading work across the Department and the Government to improve intelligence-led visa screening to identify threats to Australia's national security. This work is particularly focused on Weapons of Mass Destruction and critical technology. The soon-to-be-established Critical and Emerging Technology Centre (CETC) will be co-located with Intelligence Division.

Legislation Framework

The Department's intelligence capability operates consistently with 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 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, that the Department can access, 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 the Australian 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 *Freedom of Information Act 1982*.

Stakeholders / Forums

The Division's key stakeholders include all Departmental Groups, the ABF, the Portfolio agencies, NIC agencies, international partners and their peer agencies, and Operation Sovereign Borders. The key governance boards administered by the Division are the Intelligence Coordination Board (Band 2 committee) and the Intelligence Capability Program Board. The 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

The Division has a strong capability to identify threats of illicit goods being imported into the country via the cargo streams, and it is uplifting its capability to better support the migration program. Of note, the Division has an emerging focus on discovering threats—including national security threats—that cross multiple streams in the migration program through data-driven intelligence analytics. Due to the lack of

travellers since the closure of the borders, the Division is also refocussing effort on the border reopening and ensuring that is able to continue to flag high threat travel movements for ABF assessment and interdiction.

An agile intelligence capability is required to remain capable of supporting the increasing complexity of the Department and ABF's activities across a range evolving threats and enable intelligence informed risk based decision-making. The Division will continue to develop new enterprise approaches, while prioritising additional responsibilities that support the growing demand for its services within the Portfolio to support national resilience. It will also lead the NIC's efforts to facilitate secure borders and enhance the integrity and efficiency of trade and travel systems as we move to a post-pandemic global travel environment.

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Emergency Management and Coordination (EMC) Group

Key Highlights

The Minister for Agriculture, Drought and Emergency Management has ministerial responsibility for emergency management functions performed in the Department of Home Affairs. You, as Minister for Home Affairs will be copied into all Ministerial Submissions prepared for the Minister for Agriculture, Drought and Emergency Management.

On 1 November 2020, the EMC Group was established to ensure the Government is well positioned to respond to any emergencies that may arise in the 2020-21 High-Risk Weather Season, while allowing the Government to properly consider the findings of the Royal Commission into National Natural Disaster Arrangements.

The EMC Group is an interim structure until 31 April 2021 and includes the functions of Emergency Management Australia (EMA), the National Coordination Mechanism (NCM), and a newly established Plans and Capability Division.

Overview – Emergency Management Australia

EMA is the integrated focal point for situational awareness, emergency preparedness, crisis response, requests for the Government assistance and disaster recovery. EMA coordinates Government disaster assistance to states and territories and maintains a range of response plans that can be provided to state and territory governments and international partners responding to an emergency.

The Australian Government Crisis Coordination Centre (the Centre) is embedded within EMA and provides all-hazards 24/7 whole-of-government situational awareness to inform national decision-making during a crisis. The Centre also coordinates physical Government emergency assistance and manages the National Security Hotline. EMA is also responsible for the coordination of physical security arrangements for Australian High Office Holders and the diplomatic community, and the coordination of national security arrangements for major events.

EMA administers the jointly funded Commonwealth-state Disaster Recovery Funding Arrangements (DRFA) and the Government Disaster Recovery Payment (DRP), the Disaster Recovery Allowance (DRA) and other recovery/disaster payments such as the Pandemic Leave Disaster Payment.

National Coordination Mechanism (NCM):

The NCM is a Commonwealth led cross-jurisdictional response to emergency events. The NCM works with states and territories and industry to identify any issues needing rapid attention, and quickly address the means by which government, industry and the community can respond. The NCM can be readily adapted and works closely with EMA to ensure coordinated response efforts to the 2020-21 high-risk weather season in a COVID-19 environment.

Plans and Capability Division:

The Plans and Capability Division was established to support the Governments consideration, response and implementation of the Royal Commission into National Natural Disaster Arrangements report and recommendations. The division is also responsible for the development of policy to support preparedness measures, including policy coordination and administration of resilience funding programs, including the Emergency Response Fund. The division leads the Government's efforts to build the resilience of

Australian communities and the economy through strategic policy initiatives including the National Disaster Risk Reduction Framework.

Current Situation

In March 2021, severe storms and heavy rains have resulted in large-scale flooding across eastern Australia. On 21 March 2021, the Director-General of EMA activated the Government Disaster Response Plan (COMDISPLAN). EMA has deployed Liaison Officers to support NSW emergency services. The Director-General of EMA also activated the NCM to engage with the supermarket industry to ensure the supply chain and stock in the affected communities is being monitored and managed.

The Government has also activated the DRP and DRA to support those who have already suffered significant losses or whose income has been affected.

Operational planning to transition from response and relief through to recovery is established and will occur between EMA and the National Drought and North Queensland Flood Response and Recovery Agency, led by the Hon Shane Stone AC QC. On 23 March 2021, the Minister for Agriculture, Drought and Emergency Management formally expanded the remit of Mr Stone's agency, requiring it to support EMA "with coordination of the coming Commonwealth recovery efforts in support of New South Wales, Queensland and other affected jurisdictions for the current flood emergencies affecting Eastern Australia."

Legislation Framework

The Commonwealth's role during disasters and emergencies is governed by a number of plans and frameworks, principally the Government Crisis Management Framework and the COMDISPLAN, neither of which have a legislative basis. EMA operates within this policy setting. It does not have a legislative basis to operate.

The *Emergency Declaration Act 2020* and the *National Emergency Declaration (Consequential Amendments) Act 2020* came into effect on 16 December 2020. The Acts empower the Governor-General to make a national emergency declaration on the advice of the Prime Minister. The Director-General of EMA may be called to brief the Prime Minister on the making of a national emergency declaration.

Financial support provided via the DRFA is given effect as part of the Inter-Governmental Agreement on Federal Financial Relations and the *Appropriation Act (No.2) 2018-19*. The Commonwealth-only DRP and DRA are paid under the *Social Security Act 1991*.

Stakeholders / Forums

EMC Group stakeholders include state and territory emergency management and emergency services agencies, local governments, non-government organisations such as the Australian Red Cross and the Australasian Fire and Emergency Service Authorities Council and private sector organisations, particularly insurance and banking. Commonwealth stakeholders include central agencies; the AFP, the Department of Foreign Affairs and Trade, the National Bushfire Recovery Agency, the Bureau of Meteorology, Geoscience Australia and the Commonwealth Scientific and Industrial Research Organisation.

The Department co-chairs with the Department of the Prime Minister and Cabinet the Joint Australian Government Crisis Committee and the Government Disaster Recovery Committee. The purpose of the meeting is for key stakeholders to gain an understanding of an emergency event, response and recovery

efforts. The key intergovernmental forums are the National Emergency Management Ministers' Meeting (NEMMM) and the senior officials-level Australia-New Zealand Emergency Management Committee.

Outlook

The Royal Commission delivered 80 Recommendations in its Final Report, with 55 recommendations directed to the Government (in full or part). On 13 November 2020, the Prime Minister released the Government's response to the Royal Commission's Final Report. National Cabinet established the NEMMM to drive and coordinate implementation of the Royal Commission's recommendations. The Government is progressing a number of interlinked reforms to implement the recommendations for which it is responsible.

The Department is leading on the enhancement and strengthening of national coordination arrangements within EMA to streamline requests for Government assistance to states and territories in their preparation and response to disasters.

The establishment of a National Resilience, Relief and Recovery Agency will see the disaster recovery functions of EMA integrate with the National Bushfire Recovery Agency and the National Drought and North Queensland Flood Response and Recovery Agency. The disaster risk reduction and the resilience building functions within the EMC Group will also transition to the new agency.

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