



Australian Government
Department of Home Affairs



Department of Home Affairs Incoming Government Brief

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Portfolio Overview

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Portfolio Strategic Overview

1. Key Highlights

Australia faces an extremely challenging and dynamic strategic environment – characterised by a wide range of threats and hazards that will put extreme pressure on Australia's prosperity, security and unity. The Portfolio is uniquely placed to support the development of national resilience, and take a cohesive and integrated approach to meet the growing complexity of concurrent challenges.

2. Strategic Outlook

In the next four years, Australia is expected to face increasingly frequent, complex and interconnected crises. Challenges to our national security and prosperity across a broad spectrum, ranging from natural disasters, to state and non-state hostile activity (including more sophisticated transnational serious and organised criminal groups, a metastising terrorist threat, malicious cyber activity and foreign interference) will place significant pressure on the nation.

Great power competition between the United States and China will continue to exert the most influence on the international order. These two nations will utilise the full spectrum of their statecraft and national powers with enduring ramifications in the Indo-Pacific region. Russia's invasion of Ukraine will continue to have geopolitical ripple effects, challenging the rules-based international order, reshaping key relationships, and defining military tactics and deterrence strategies. It also has the potential to have long-lasting effects on global famine and migration flows.

The wide ranging threats and natural hazards that Australia already confronts will coalesce, resulting in cascading effects, which will place pressure on governments, institutions, the economy and the Australian community. Issue motivated extremism and terrorism are also likely to continue to be pervasive threats, driven by global inequality, population displacement, resource scarcity and changing climate.

By the early 2030s, the effects of climate change will intensify with average global temperatures expected to reach 1.5 degrees celsius above pre-industrial levels. This will significantly impact global prosperity and security. Our region will bear the brunt of rising sea-levels and climate-related security challenges (including the loss of arable land, food and water security challenges as well as more frequent, large-scale and concurrent natural disasters). We will be required to do more to support our neighbours. Domestically, Australia will face greater demand for disaster response capabilities and coordination across industry, community and Government service delivery.

The rise of the digital economy globally, and the proliferation of new technologies that supplant traditional forms of communication, service-delivery and social cohesion will create new challenges for the safety and security of Australian citizens. The decline of traditional media, the rise of new hyper-aggregating and global platforms, and the marginalisation of mainstream social discourse result in increased potential for radicalisation, misinformation, and the fracturing of our society. Cyber criminals and state-sanctioned cyber actors have greater capability to damage or destroy our critical infrastructure, subvert our democracy, steal our intellectual property, data and personal details, and defraud Australian citizens.

Since its creation in 2017, the Portfolio has worked to keep Australia prosperous, secure and united. As one of the three Departments of State that support the Government's national security responsibilities, alongside Defence and DFAT, the Department provides a unique suite of capabilities and legal instruments to support the Government's agenda. The complex and evolving nature of our strategic environment means that the Portfolio must continue to evolve and adapt to meet the challenge. The Portfolio is uniquely placed to support Australia's national resilience across our

institutions, community and economy, and take a cohesive and integrated approach to absorb the shocks of crises and meet the growing complexity of concurrent challenges.

3. Delivering on your Strategic Agenda

The Portfolio delivers your strategic agenda through its role to:

- protect Australia's prosperity by supporting economic growth and protecting against economic loss – including by managing migration and travel, improving trade efficiency, fighting crime and securing the digital economy and national critical infrastructure;
- strengthen Australia's security by keeping Australians safe and upholding Australia's sovereignty – including by countering terrorism, countering foreign interference and espionage, tackling transnational serious and organised crime (TSOC), managing emergency response and national coordination, and upholding the border and Australia's civil maritime security; and
- keep Australia united by building an inclusive society and upholding Australia's values and reputation – including by promoting a cohesive nation and countering the exploitation of vulnerable people.

The Portfolio's national security, law enforcement and border security capabilities will provide critical support to deliver your Government's strategic agenda, particularly your plan for Australia's national security; building Australia's prosperity; strengthening Australian democracy; developing our people; and taking action on climate change, energy and the environment.

In particular, the Portfolio will deliver on your commitment of an uncompromising stance on border security, and ensuring our security agencies and police have the powers to meet the changing national security threats Australia faces. The Portfolio will also drive improvements to Australia's emergency management capacity and readiness for disasters at home and abroad. It will also deliver on your Government's objectives of better prevention, mitigation and preparation to improve national and international disaster response and recovery.

The delivery of your Government's election commitments will be key elements of this approach, particularly a strong and effective Operation Sovereign Borders (OSB), maintaining our laws against people smugglers, child sex offenders, and terrorists. Delivering your plan for crime and community safety in Central Australia, funding for security equipment in threatened communities (including Logan and a youth hub in Darwin) and developing an aerial firefighting fleet will also be critical.

The Portfolio provides key capabilities and functions to support the delivery of your Government's commitment to build Australia's prosperity and ensure sustainable economic growth through the protection, support and creation of jobs and a strong but fair migration policy. The Portfolio will help drive economic growth by continuing to support the reopening of Australia's international borders, improving the traveller experience and supporting the return of migrants, tourists and students. The Portfolio will promote economic growth by improving trade efficiency and manage and mitigate supply chain disruptions. The Portfolio will also help protect Australia and Australians from economic loss by securing the digital economy and critical infrastructure and fighting crime.

The delivery of your Government's election commitments to create a new permanent visa category (and abolishing Temporary Protection visas and Safe Haven Enterprise visas), increasing the Temporary Skilled Migration Income Threshold, exempt import taxes on some imported electric vehicles, the creation of a new Pacific engagement visa and utilising migration to fix the aged care crisis and recruit overseas health services will play a key role in bolstering economic growth and delivering critical skills in sectors of need.

The Portfolio will also deliver on your Government's commitment to ensure Australia is a successful multicultural nation and ensure that all Australians are able to participate fully in our democracy, economy and society that is supported by strong democratic and public institutions. The Portfolio promotes an inclusive society through its well-targeted settlement programs, support for measures to counter racism and discrimination, a national approach to support social cohesion and countering

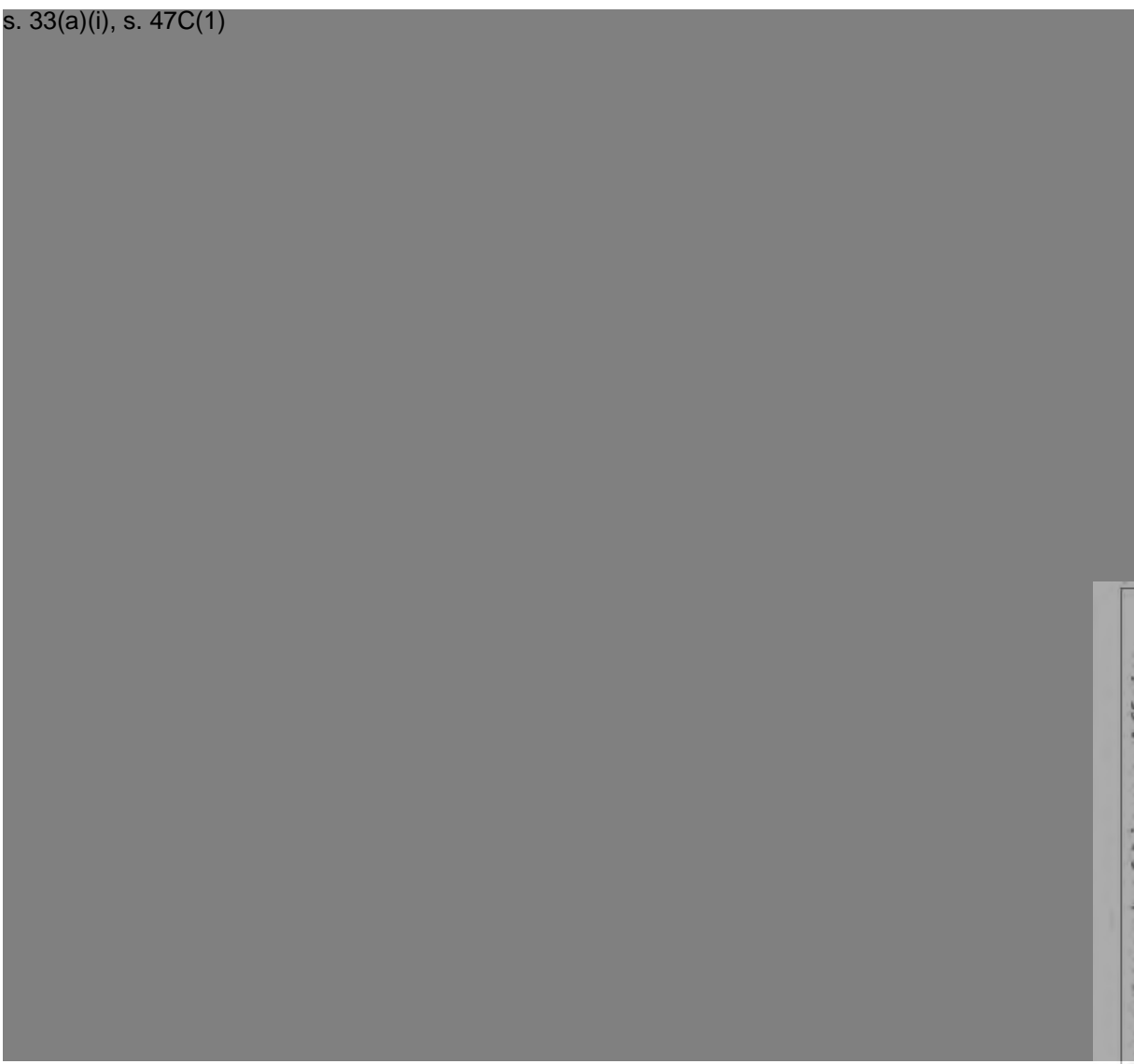
violent extremism and misinformation. The Portfolio will also uphold Australia's values and reputation and counter the exploitation of vulnerable people.

The delivery of your Government's election commitments to be a Government that works for multicultural Australia, to strengthen the *Modern Slavery Act 2018*, improving the Adult Migrant English Program, support to help more Australian kids learn languages, and funding for community initiatives in Western Australia, Queensland, Victoria and Tasmania are important foundations that will promote Australia's multiculturalism, inclusivity and openness.


s. 47C(1)



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



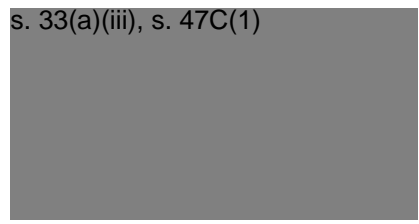
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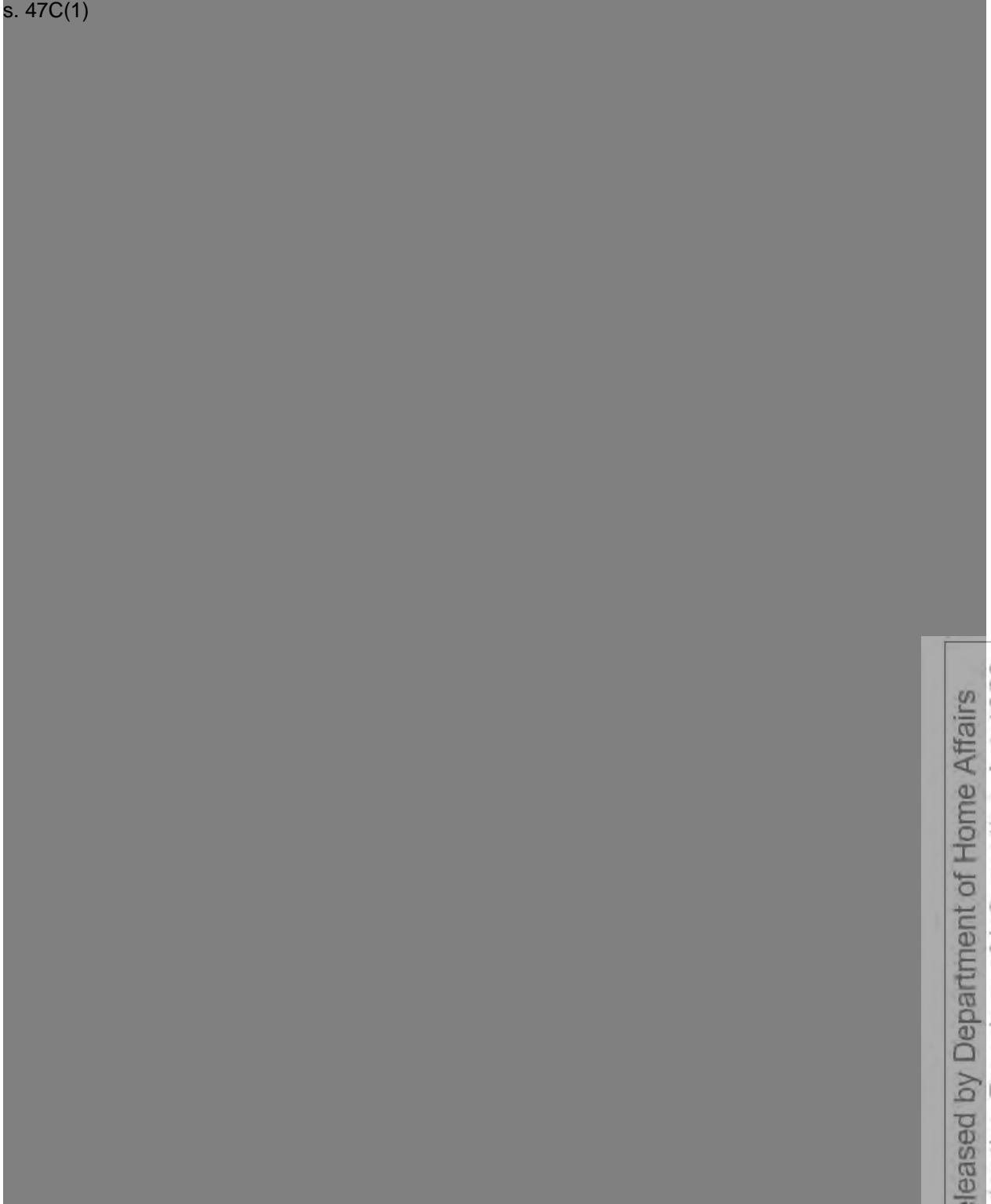
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4. Contact Details

Name: Marc Ablong PSM – Deputy Secretary Strategy and National Resilience

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

The Home Affairs Portfolio

1. Key Highlights

The Home Affairs Portfolio (the Portfolio) has an overarching vision that underpins Australia's national interest – keeping Australia prosperous, secure and united. The Portfolio brings together the Department of Home Affairs (the Department), the Australian Border Force (ABF), the Australian Federal Police (AFP), the Australian Criminal Intelligence Commission (ACIC), the Australian Security Intelligence Organisation (ASIO), the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Office of the Special Investigator (OSI), creating an enhanced capability to ensure a more prosperous, secure and united Australia.

- The Portfolio total funding as at the 2022–23 Portfolio Budget Statements (PBS) is:
 - \$8.1 billion in 2022–23; and
 - \$29.3 billion over the forward estimates from 2022–23.
- The total forecast Average Staffing Level (ASL)¹ for the Portfolio in 2022–23 is 22,962.
- The Department's total funding as at the 2022–23 PBS is:
 - \$5.4 billion in 2022–23; and
 - \$18.7 billion over the forward estimates from 2022–23.
- The total forecast ASL for the Department in 2022–23 is 14,010.
- The current situation will change as a result of initiatives announced as part of the Government's Economic Plan, with financial implications to be determined in due course.

2. Overview

The Portfolio was established on 20 December 2017, with ASIO joining in May 2018 and the OSI being established on 4 January 2021. The Portfolio brings together the Department, the ABF, the AFP, ACIC, ASIO, AUSTRAC and the OSI, while maintaining the statutory independence of Portfolio agencies, including external accountability and oversight arrangements, and independent exercise of powers. The ABF, while established within the Department for budgetary, employment and administrative purposes, is operationally independent.

The Portfolio's overarching objective is to build Australia's national resilience by keeping Australia prosperous, secure and united. It is responsible for delivering on a range of the Government's international and domestic priorities through its capabilities, powers and activities, and plays a central role in Australia's national security architecture.

As the Portfolio matures and the environment evolves, it will continually assess and adjust its organisational priorities. The Portfolio maintains a strong focus on its purpose, supporting coordinated whole-of-government (WofG) efforts, and leveraging domestic and international partnerships in delivering its priorities.

¹ Portfolio funding and ASL excludes departmental capital funding and ASL for ASIO to manage national security risks in line with the exemptions allowed under the *Public Governance and Accountability Act 2013* (PGPA Act).

The Portfolio's 10 strategic priorities are:

- Future proof capabilities;
- Secure the digital economy and critical infrastructure;
- Counter exploitation of vulnerable people;
- Counter-terrorism;
- Manage migration and travel;
- Fight crime;
- Promote a cohesive Australia, counter espionage and counter foreign interference;
- Improve trade efficiency;
- Manage emergency response and national coordination; and
- Border and civil maritime security.

The Portfolio has a range of strategy, policy, operational, intelligence, regulatory and service delivery functions across these areas of responsibility. International and industry engagement, intelligence, data and research are key enablers in advancing and achieving the Portfolio's strategic objectives. The Portfolio engages with key partners to advance all of their priorities, including through a range of domestic partnerships and international cooperation and assistance activities.

3. Current Situation

The Portfolio's operating environment is characterised by increasing complexity and volume. Intensified geopolitical competition, challenges to the rules-based international order, malicious state and non-state actors, global economic pressures and the changing climate will continue to complicate and increase uncertainty in Australia's strategic environment. This requires the Portfolio to be vigilant and responsive with the ability to pivot to respond to multi-faceted emerging and ongoing threats and risks. Decisions made by staff often involve complex and sensitive public policy issues with potentially significant impacts on communities across security, prosperity and unity spheres.

The Portfolio supports economic growth, keeps Australians safe, upholds Australia's sovereignty, and fosters an inclusive society through: its work at the border; promoting cyber and critical infrastructure resilience; coordinating national responses to crises; countering foreign interference and espionage; providing citizenship, multiculturalism and settlement programs; safeguarding vulnerable people; and countering exploitation of vulnerable people.

A summary of the current Home Affairs Budget position is provided below at *Budget, Resourcing, Property and Assets*.

4. Legislative Framework

You are responsible for selecting individuals for appointment to statutory positions within the Portfolio. The Department supports you with the recruitment process for these appointments. Notably, the current appointments for the Chief Executive Officer (CEO) roles within both ACIC and AUSTRAC will expire in November 2022.

- The AUSTRAC CEO is to be appointed by you, by written instrument, and holds office for the period specified in the instrument of appointment, not exceeding five years. The AUSTRAC CEO may be reappointed.
- Part 37 of the *Australian Crime Commission Act 2002* provides that the ACIC CEO is to be appointed by you, by written instrument, and that the CEO holds office for the period specified in the instrument of appointment, not exceeding five years. The ACIC CEO may be reappointed.

- The appointment processes for these positions will be undertaken following the commencement of the 47th Parliament. Further advice will be provided to you by the Secretary in due course to support the appointment process.

As per the Federal Executive Council (ExCo) Handbook 2021, all appointments must undergo a specific process. Appointments to an authority are generally required to be made by the Governor General in ExCo, acting with the advice of the Government. In the case of significant Government appointments (which all agency head appointments are), Ministers must write to the Prime Minister seeking his or her approval or, at his or her discretion, Cabinet's approval of the appointment. Once the Prime Minister's (or Cabinet's) approval is provided, the appointment is processed through ExCo.

A list of current statutory positions and associated tenure dates is below:

Agency/ Department	Statutory Office (title)	Name - Statutory Office Holder	Start Date of Appointment	End Date of Appointment
AFP	Commissioner	Reece Kershaw APM	02.10.19	02.10.24
ASIO	Director-General	Mike Burgess	16.09.19	16.09.24
ACIC	CEO	Michael Phelan APM	13.11.17	13.11.22
AUSTRAC	CEO	Nicole Rose PSM	13.11.17	13.11.22
ABF	Commissioner	Michael Outram APM	10.05.18	09.05.23
OSI	Director-General	Chris Moraitis PSM	04.01.21	04.01.26
AFP	Deputy Commissioner	Neil Gaughan APM	03.04.18	30.04.23
AFP	Deputy Commissioner	Brett Pointing	12.12.19	12.12.24
AFP	Deputy Commissioner	Ian McCartney	12.12.19	12.12.24
ACIC	Examiner (Part Time)	s. 47F(1), s. 37(1)(c)	18.01.22	18.01.24
ACIC	Examiner (Part Time)		24.05.22	24.05.24
ACIC	Examiner (Full Time)		01.01.22	01.01.27
ACIC	Examiner (Full Time)		01.01.22	01.01.27
ACIC	Examiner (Full Time)		01.01.22	01.01.27
ACIC	Examiner (Full Time)		15.01.22	15.01.27

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5. Stakeholders / Forums

The Home Affairs Portfolio Board was established in 2019 and brings together Agency Heads to ensure a strong foundation of governance and cooperation and to coordinate the strengths of the constituent parts of the Portfolio. The Home Affairs Portfolio Board is the Portfolio's premier strategic forum, focusing on future-facing issues, priorities, programs and initiatives from a Portfolio perspective.

In addition to the Home Affairs Portfolio Board, several cross-Portfolio committees and boards have been established to support collaboration on shared efforts, opportunities and challenges, providing a strong foundation to fully realise the Portfolio's potential.

The Portfolio participates in a wide range of WofG forums to contribute to broader WofG initiatives that enable us to harness expertise and drive innovation. Our well established international partnerships enable us to share information and contribute national and multilateral solutions to global problems including transnational crime, irregular migration: people smuggling, human trafficking, modern slavery, migrant worker exploitation and border security. The Portfolio is also proactive in engaging with our South-East Asian and Indo-Pacific neighbours through regional multilateral forums, as well as our Five Eyes partners.

The Portfolio works collaboratively internally, and at domestic and international levels with a broad range of government agencies, industry groups, international organisations, non-government organisations, academia and community groups.


6. Outlook

The Portfolio will continue to work to ensure Australia has the capacity to predict, prevent, absorb, adapt and evolve from all crises, and is an unattractive target for state and non-state adversaries.

The Portfolio's ongoing success relies on mature policy and operational capabilities to accurately identify, prepare for and respond to complex, multifaceted issues across both operational and policy domains. The Portfolio is required to demonstrate its ability to rapidly upscale and adapt to ensure it is well positioned to respond to the changing threat landscape.

Subject to your views, the Portfolio will continue to drive initiatives in line with outlined priorities to protect and support Australia's prosperity, security and unity. Now and into the future, the Portfolio will play a crucial role in supporting Australia's economic recovery and growth. It will continue to be at the forefront of hardening domestic and international security, enhancing the stability of Australia's infrastructure and financial systems and supporting domestic law enforcement partners to keep the Australian community safe. The Portfolio will take advantage of opportunities afforded by new and emerging technologies to maintain its capability and capacity to keep Australians safe.

s. 47C(1)

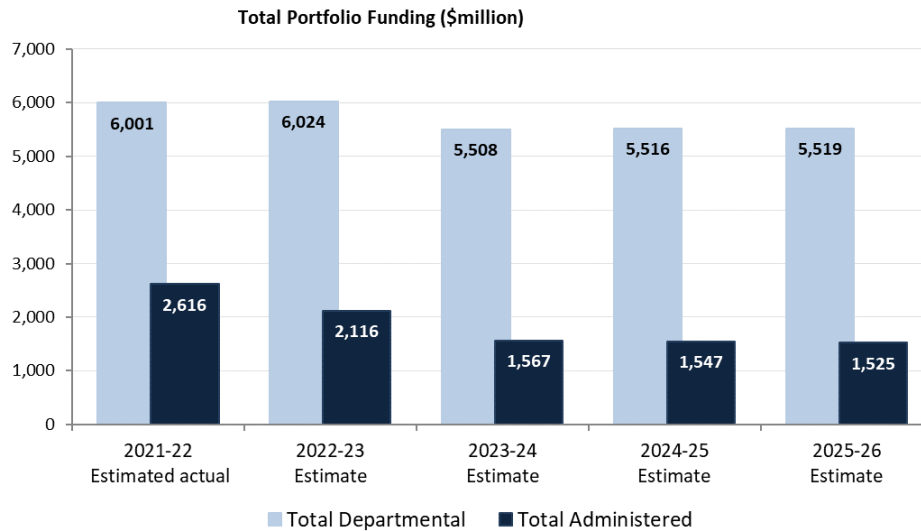


7. Budget, Resourcing, Property and Assets

7.1. Portfolio:

- Total funding as at the 2022–23 PBS is:
 - \$8.1 billion in 2022–23; and
 - \$29.3 billion over the forward estimates from 2022–23.

Additional information is available at [Attachment A](#).



- The total forecast ASL for the Portfolio for 2021–22 was 22,155 and in 2022–23 is 22,962:

Entity	2021-22 Estimated actual	2022-23 Estimate	Change
Department of Home Affairs ¹	13,612	14,010	398
AFP ¹	7,240	7,440	200
ACIC ¹	709	848	139
AIC ¹	24	39	15
AUSTRAC ¹	455	467	12
ASIO ²	nfp	nfp	nfp
OSI ¹	115	158	43
Grand Total	22,155	22,962	807

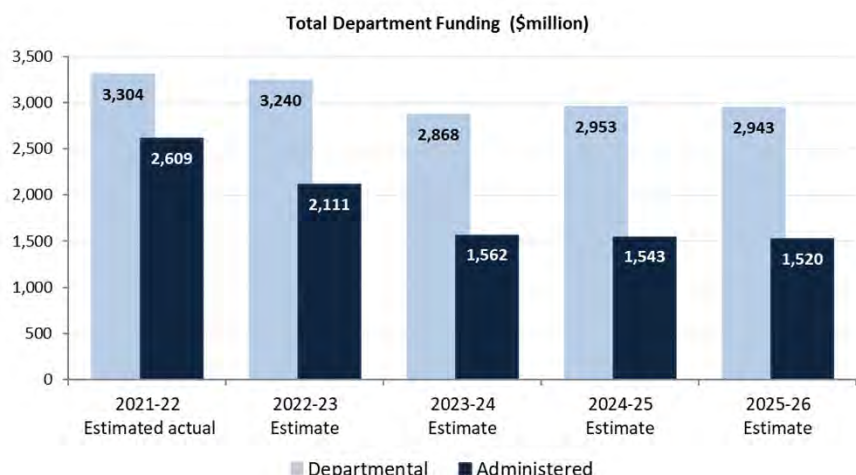
- ASL reflects published data from the 2022-23 PBS.
- ASIO's ASL is not for public disclosure to balance transparency regarding the Government's allocation of resources with the management of national security risk. This is in line with the exemptions allowed under section 105D of the PGPA Act. ASIO can provide you directly information on their ASL.

7.2. Department

- The Department's total funding as at the 2022–23 PBS is:
 - \$5.4 billion in 2022–23; and
 - \$18.7 billion over the forward year estimates from 2022–23.

Table 1: Department funding as at 2022–23 PBS.

(\$million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Department of Home Affairs						
Departmental operating expenses	2,771	2,838	2,516	2,609	2,592	10,555
Departmental capital	301	205	155	149	157	667
Own-source revenue (s 74)	232	197	196	195	194	782
Departmental	3,304	3,240	2,868	2,953	2,943	12,004
Administered expenses	2,579	2,081	1,539	1,519	1,496	6,635
Administered capital	30	30	23	23	24	101
Administered	2,609	2,111	1,562	1,543	1,520	6,736
Total Department Of Home Affairs	5,913	5,351	4,430	4,496	4,463	18,740

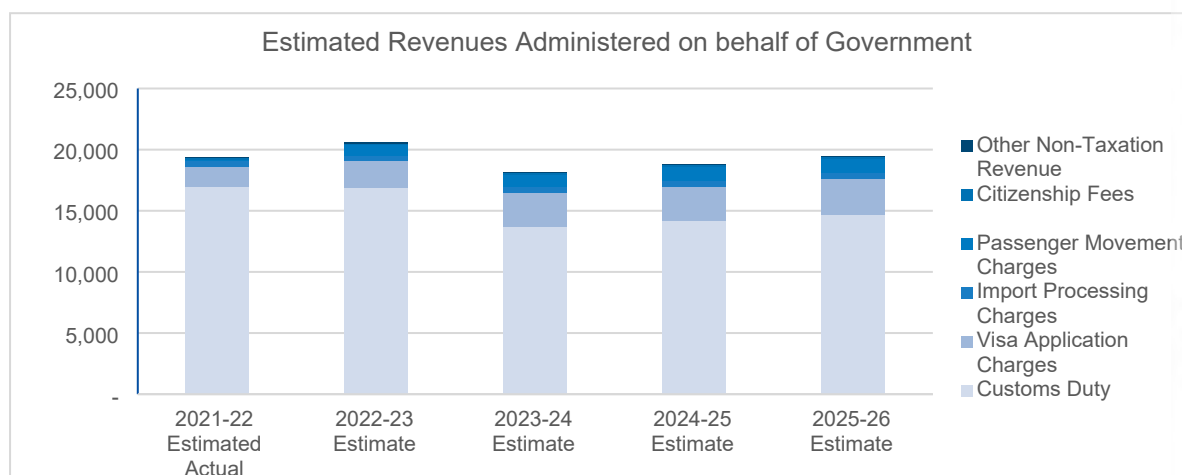


7.3. Administered Revenue

Table 2: Revenues administered on behalf of the Government as at the 2022–23 PBS

(\$'million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Customs Duty	16,979	16,919	13,679	14,149	14,689	59,438
Passenger Movement Charge	147	879	1,053	1,181	1,181	4,294
Import Processing (IPC and Depot Charge)	445	460	470	480	480	1,890
Visa Application Charges	1,656	2,139	2,803	2,840	2,949	10,733
Total taxation revenue	19,227	20,398	18,005	18,651	19,300	76,355
Citizenship fees	84	85	85	86	87	342
Other non-taxation revenue	76	92	65	57	56	269
Total non-taxation revenue	160	177	150	143	142	612
Total administered revenue	19,387	20,575	18,155	18,794	19,443	76,966

- As at the 2022–23 PBS, the Department is forecast to generate administered revenue of \$20.6 billion in 2022–23 and \$77.0 billion over the forward estimates from 2022–23. Representing an increase of \$1.2 billion (+6.1%) from the estimated actual revenue of \$19.4 billion in 2021–22, predominately driven by increases from Passenger Movement Charge and Visa Application Charges (VAC) with the borders anticipated to be open for the full financial year.
- Decrease in revenue from 2023–24 is mainly attributable to transfer of excise collection from the Department to the Australian Taxation Office (ATO) as a result of the 2022–23 Budget Measure *Commonwealth's Deregulation Agenda*.



7.4. Departmental Expenses

Table 3: Departmental operating expenses (excluding depreciation, amortisation and other expenses not requiring an appropriation) as at the 2022–23 PBS

(\$'million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Outcome 1						
1.1: Transport Security	32	32	32	33	33	131
1.2: National Security and Criminal Justice	197	162	128	121	109	520
1.3: Cyber Security	12	26	12	12	11	60
1.4: Counter Terrorism	28	27	11	11	12	61
1.5: Regional Cooperation	36	36	37	37	37	147
1.6: Emergency Management	28	30	23	21	21	95
Outcome 1	333	313	242	236	223	1,014
Outcome 2						
2.1: Migration	362	323	253	300	275	1,150
2.2: Visas	325	346	305	355	357	1,363
2.3: Refugee, Humanitarian Settlement and Migrant Services	167	167	168	171	169	676
2.4: IMA Offshore Management	35	36	36	37	37	145
2.5: Multicultural Affairs and Citizenship	100	89	94	83	84	351
Outcome 2	990	961	857	946	922	3,686
Outcome 3						
3.1: Trade Facilitation and Industry Engagement	43	43	44	44	44	176
3.2: Border Management	311	352	347	345	358	1,402
3.3: Border Revenue Collection	68	70	70	70	69	278
3.4: Border Enforcement	974	997	861	868	873	3,600
3.5: Onshore Compliance and Detention	285	299	291	295	297	1,182
Outcome 3	1,680	1,762	1,613	1,622	1,640	6,638
Total Departmental Expenses	3,003	3,035	2,713	2,804	2,786	11,338

- Total departmental expenses (excluding depreciation and amortisation and other expenses not requiring an appropriation) as at the 2022–23 PBS are \$3.0 billion in 2022–23 and \$11.3 billion over the forward estimates from 2022–23 (Table 3 refers).
- The Department's operating funding in 2022–23 (including funding from Government and 'own source' revenue) is broadly stable compared to 2021–22 with a small increase of approximately \$32.0 million (increase from \$3.003 billion in 2021–22 to \$3.035 billion in 2022–23), mainly due to the net impact of new measures.
- Decline in departmental operating funding from 2023–24 (\$231 million to \$322 million reduction over the forward years compared to 2022–23 funding), is mainly due to terminating measures, measures with declining funding profile and cumulative impact of efficiency measures from previous Budget rounds.

7.5. Administered Expenses

Table 4: Administered operating expenses (excluding depreciation, amortisation and other expenses not requiring an appropriation) as at the 2022–23 PBS

(\$'million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Outcome 1						
1.1: Transport Security	2	2	1	1	1	5
1.2: National Security and Criminal Justice	78	151	68	38	31	288
1.3: Cyber Security	14	10	10	11	11	42
1.4: Counter Terrorism	17	16	16	17	17	66
1.5: Regional Cooperation	71	65	31	32	32	160
1.6: Emergency Management	34	48	33	34	34	149
Outcome 1	216	291	160	131	127	709
Outcome 2						
2.3: Refugee, Humanitarian Settlement and Migrant Services	605	522	455	474	479	1,931
2.4: IMA Offshore Management	877	400	287	276	237	1,199
2.5: Multicultural Affairs and Citizenship	15	..	..	..	..	2
Outcome 2	1,497	922	742	750	717	3,132
Outcome 3						
3.2: Border Management	2	..	..	..	..	..
3.3: Border Revenue Collection	-	-	-	-	-	-
3.5: Onshore Compliance and Detention	865	868	637	638	653	2,794
Outcome 3	866	868	637	638	653	2,795
Administered expenses	2,579	2,081	1,539	1,519	1,496	6,635

.. not zero, but rounded to zero

- The total administered expenses (excluding depreciation, amortisation and other expenses not requiring an appropriation) as at the 2022–23 PBS are \$2.0 billion in 2022–23 and \$6.6 billion over the forward estimates from 2022–23 (Table 4 refers).
- The reduction in administered operating funding from 2022–23 (\$498 million reduction in 2022–23 compared to 2021–22 and up to \$585 million over the forward years) is attributable to:
 - Program 1.2 - National Security and Criminal Justice* – funding reduction from 2023–24 mainly reflecting termination of the 2021–22 MYEFO and 2022–23 Budget measures relating to *Safer Communities Fund Round Six*;
 - Program 2.3 - Refugee, Humanitarian Settlement and Migrant Services* – funding reduction from 2022–23, mainly reflecting the cumulative impact of the 2020–21 Budget Measure *Humanitarian Program 2020–21* in which the ceiling for Humanitarian places reduced from 18,750 to 13,750;
 - Program 2.4 - Irregular Maritime Arrivals offshore management* – funding reduction from 2022–23 mainly reflecting reductions in expenditure as the Government ended offshore processing in Papua New Guinea in December 2021 and establishes an enduring capability in Nauru from 2022–23; and
 - Program 3.5 - Onshore Compliance and Detention* – funding reduction from 2023–24 as a result of terminating funding to address capacity challenges in the Immigration Detention Network resulting from COVID-19.

7.6. Capital Resourcing

Table 5: Departmental capital as at the 2022–23 PBS

(\$'million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Departmental Capital Budget (DCB)	150	146	147	149	157	599
Equity injections	151	59	8	..	-	67
New capital appropriations	301	205	155	149	157	666
Funded by prior appropriations	53	48	-	-	-	48
Total funding	354	253	155	149	157	715

.. not zero, but rounded to zero

- The decline in departmental capital funding from 2022–23 (by approximately \$96 million in 2022–23 compared to 2021–22 and up to \$50 million reduction over the forward years) is predominantly due to measures with declining funding profiles and the cumulative impact of efficiency measures from previous Budget rounds.

Table 6: Administered capital as at the 2022–23 PBS

(\$'million)	2021-22 Estimated actual	2022-23 Estimate	2023-24 Estimate	2024-25 Estimate	2025-26 Estimate	TOTAL FE
Administered Capital Budget (ACB)	17	22	23	23	24	93
Equity injections	13	8	-	-	-	8
Administered Capital Budget (ACB)	30	30	23	23	24	101
Funded by prior appropriations	14	-	-	-	-	-
Total funding	45	30	23	23	24	101

7.7. Average Staffing Level

Table 7: The total forecast ASL for the Department

Entity	2021-22 Estimated actual	2022-23 Estimate	Variance
Department of Home Affairs ¹	13,612	14,010	398

1. ASL reflects published data from the 2022-23 PBS.

- ASL reflects the average number of employees receiving salary or wages over the financial year, including adjustments for casual and part-time staff, to show the full-time equivalent employment levels. The total forecast ASL for the Department in 2021–22 is 13,612.
- The total forecast ASL for the Department in 2022–23 is 14,010, representing an increase of 398 ASL from the total ASL for 2021–22. The lower ASL in 2021–22 is a result of natural attrition exceeding the recruitment rate, reflecting the impact of the COVID-19 pandemic and labour market conditions.

8. The Department's 2021–22 Internal Budget, Capability and Property Footprint


8.1. Government's Economic Plan and October 2022 Budget

- The Government's Economic Plan and Budget strategy includes a package of \$11.5 billion in savings to offset the majority of election commitment spending. The plan includes:
 - the Waste and Rorts Audit (funded from within existing resources);
 - savings from trimming spending on consultants, contractors and labour hire (WofG savings of \$3 billion over the forward estimates); and

- savings from advertising, travel and legal expenses (WofG savings of \$570 million over the forward estimates).
- Impacts of the savings commitments for the Portfolio are yet to be determined. Finance is expected to provide further advice on agency allocations for the savings commitment once costings details are available.
- In addition, we note that the October 2022 Budget considerations will include a line-by-line review of the 2022–23 Budget measures announced by the previous Government. Government decisions on election commitments and 2022–23 Budget measures will impact the current funding position included in this brief. The financial implications will be determined in line with the matters outlined above and necessary adjustments will be made as part of the October 2022 Budget.


8.2. Capability

s. 47C(1)



8.3. Internal Budget

s. 47C(1)



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s. 47C(1)



8.4. **Property Footprint**

The Department's onshore property footprint includes:

- 432 office, commercial and purpose built holdings;
- 89 residential houses; and
- 12 active immigration detention facilities (including Christmas Island).

The Department's offshore property footprint includes:

- 43 office accommodation leases in 38 countries; and
- 137 residential accommodation leases.

9. **Attachments**

Attachment A - Home Affairs Portfolio funding as at the 2022–23 PBS

10. **Contact Details**

Name: Marc Ablong PSM – Deputy Secretary, Strategy and National Resilience

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

Home Affairs Portfolio funding (Based on publicly available information)													
(\$'million)	2013-14 Actuals	2014-15 Actuals	2015-16 Actuals	2016-17 Actuals	2017-18 Actuals	2018-19 Actuals	2019-20 Actuals	2020-21 Actuals	2021-22 Estimated actual	2022-23 Estimates	2023-24 Estimates	2024-25 Estimates	2025-26 Estimates
Department of Home Affairs*													
Departmental operating funding	2,481	2,408	2,495	2,460	2,505	2,664	2,724	2,754	2,771	2,838	2,516	2,609	2,592
Departmental capital	240	283	344	304	392	250	236	275	301	205	155	149	157
Own-source revenue (s 74)	126	186	181	174	185	242	230	217	232	197	196	195	194
Departmental	2,847	2,876	3,019	2,939	3,082	3,156	3,190	3,246	3,304	3,240	2,868	2,953	2,943
Administered funding	2,881	2,347	2,142	1,945	2,135	1,903	2,406	2,478	2,579	2,081	1,539	1,519	1,496
Administered capital	572	239	166	83	75	47	22	48	30	30	23	23	24
Administered	3,453	2,586	2,308	2,028	2,210	1,949	2,428	2,526	2,609	2,111	1,562	1,543	1,520
Total Department Of Home Affairs	6,301	5,462	5,327	4,967	5,292	5,105	5,618	5,771	5,913	5,351	4,430	4,496	4,463
Average Staffing Level	14,322	13,728	13,832	13,972	13,892	13,959	13,751	13,778	13,612	14,010			
Australian Criminal Intelligence Commission**													
Departmental operating funding	91	93	87	90	88	100	104	96	127	153	151	97	100
Departmental capital	2	5	5	5	3	12	11	9	9	4	5	4	3
Own-source revenue (s 74)	74	82	96	108	123	131	138	138	147	136	136	139	141
Departmental	167	180	188	202	215	243	253	243	283	293	292	240	244
Total ACIC	167	180	188	202	215	243	253	243	283	293	292	240	244
Average Staffing Level	765	744	765	724	745	728	716	702	709	848			
Australian Federal Police													
Departmental operating funding	994	1,060	1,006	1,022	1,016	1,103	1,128	1,158	1,250	1,280	1,229	1,238	1,243
Departmental capital	131	117	86	119	133	130	123	107	121	134	116	109	108
Own-source revenue (s 74)	297	269	271	276	275	286	296	315	365	356	346	313	313
Departmental	1,421	1,446	1,362	1,417	1,425	1,518	1,548	1,580	1,737	1,770	1,691	1,659	1,664
Administered funding	20	18	15	13	16	14	8	9	7	5	5	5	5
Administered	20	18	15	13	16	14	8	9	7	5	5	5	5
Total AFP	1,441	1,464	1,377	1,430	1,441	1,533	1,556	1,589	1,743	1,774	1,695	1,664	1,669
Average Staffing Level	6,352	6,380	6,457	6,257	6,250	6,476	6,503	6,854	7,240	7,440			
Australian Institute of Criminology													
Departmental operating funding	5	5	5	5	5	5	5	5	5	6	6	5	5
Departmental capital	-	-	-	-	-	-	-	-	-	-	-	-	-
Own-source revenue (s 74)	4	3	2	1	1	2	2	3	3	3	3	1	1
Departmental	9	8	7	6	6	7	6	8	8	9	8	6	6
Total AIC	9	8	7	6	6	7	6	8	8	9	8	6	6
Average Staffing Level	45	50	39	33	25	18	22	22	24	39			
Australian Transaction Reports and Analysis Centre													
Departmental operating funding	53	55	56	58	63	68	72	83	89	92	94	107	109
Departmental capital	11	3	8	13	7	10	8	20	20	23	14	6	6
Own-source revenue (s 74)	8	8	8	4	7	8	9	11	4	3	1	-	-

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(\$'million)	2013-14 Actuals	2014-15 Actuals	2015-16 Actuals	2016-17 Actuals	2017-18 Actuals	2018-19 Actuals	2019-20 Actuals	2020-21 Actuals	2021-22 Estimated actual	2022-23 Estimates	2023-24 Estimates	2024-25 Estimates	2025-26 Estimates
Departmental	73	62	72	75	77	87	88	114	113	118	109	113	115
Total AUSTRAC	73	62	72	75	77	87	88	114	113	118	109	113	115
Average Staffing Level	262	267	284	320	300	336	381	389	455	467			
s. 22(1)(a)(ii)													
Office of the Special Investigator													
Departmental operating funding	-	-	-	-	-	-	-	29	45	56	-	-	-
Departmental capital	-	-	-	-	-	-	-	12	6	1	-	-	-
Own-source revenue (s 74)	-	-	-	-	-	-	-	-	-	-	-	-	-
Departmental	-	-	-	-	-	-	-	41	51	57	-	-	-
Total Departmental OSI	-	-	-	-	-	-	-	41	51	57	-	-	-
Average Staffing Level	-	-	-	-	-	-	-	73	115	158			
Total Home Affairs Portfolio Funding													
Departmental operating funding	3,970	3,990	4,030	4,037	4,099	4,375	4,506	4,580	4,767	4,940	4,510	4,576	4,570
Departmental capital	445	457	491	484	619	493	451	517	457	366	291	268	274
Own-source revenue (s 74)	523	564	575	583	619	691	697	699	777	719	707	672	675
Total Departmental	4,938	5,011	5,097	5,104	5,337	5,559	5,654	5,795	6,001	6,024	5,508	5,516	5,518
Administered funding	2,901	2,365	2,156	1,958	2,151	1,917	2,414	2,487	2,586	2,085	1,544	1,524	1,501
Administered capital	572	239	166	83	75	47	22	48	30	30	23	23	24
Total Administered	3,473	2,604	2,323	2,041	2,226	1,963	2,436	2,535	2,616	2,116	1,567	1,547	1,525
Grand Total	8,411	7,615	7,419	7,145	7,563	7,522	8,090	8,330	8,617	8,140	7,074	7,063	7,043
Average Staffing Level	23,496	22,862	23,117	23,078	22,989	23,362	23,286	23,693	22,155	22,962			

* Includes DIAC and ACBPS prior to FY 2015-16.

** Includes ACC and CRIMTRAC prior to FY 2016-17.

-- not zero but rounded to zero

Notes:

1. Departmental Capital includes DCB and Equity Injection as published under 'Transactions with owners' section in the Annual Report (for Actuals) and the 'Departmental Capital Budget Statement' in the 2022-23 PBS (for Estimates).

2. Administered Capital has been taken from the Capital Budget Statement.

3. Own-source revenue (s 74) excludes "Gains" and "Resources received free of charge".

4. Forward estimates as at 2022-23 PBS.

5. ASIO's Departmental Capital and ASL from 2021-22 not for disclosure to balance transparency regarding the Government's allocation of resources with the management of national security risk. This is in line with the exemptions allowed under

ASL

6. ASL for Actuals are taken from Annual Reports.

7. Estimates as at 2022-23 PBS.

8. ASL for 2023-24 to 2025-26 are not publicly available.

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Michael Pezzullo AO, Secretary



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

Within the Portfolio, Michael leads the Department responsible for the coordination of strategy, planning and policy related to issues affecting Australia's domestic security. The Department works with the Portfolio's agencies to deliver national policy and programs in several areas, including law enforcement; counter-terrorism; countering violent extremism (CVE); cyber security; countering espionage and foreign interference; critical infrastructure protection; emergency management; transport, civil maritime and aviation security; customs and border protection; trade and travel facilitation; immigration and citizenship; and multicultural affairs.

Michael was previously Secretary of the Department of Immigration and Border Protection, a position to which he was appointed on 13 October 2014. In this role, he oversaw the integration of the Department with the Australian Customs and Border Protection Service (ACBPS) on 1 July 2015, including the standing-up of the ABF as the Department's operational arm.

Prior to this, Michael was Chief Executive Officer (CEO) of the ACBPS from February 2013, having joined the as its Chief Operating Officer (COO) in July 2009. As CEO, Michael was charged with implementing and overseeing reforms in business processes and systems, and its workforce culture and capability. From September 2013, he was the senior official who oversaw Operation Sovereign Borders (OSB) and the related Joint Agency Task Force (JATF).

Before joining ACBPS, Michael was Deputy Secretary, Strategy in the Department of Defence (Defence), having been appointed to that position in January 2006. There, he was responsible for defence strategy and planning, force structure development, the strategic policy aspects of Australian Defence Force (ADF) operations, Defence's international security relationships, and the delivery of national security programs in areas such as export controls, counter-proliferation and Defence cooperation with other countries. He also had oversight of the Department's ministerial support and public affairs programs.

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

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

In February 2002, he re-joined Defence as an Assistant Secretary in the Corporate Services and Infrastructure Group. In March 2004, he was promoted to the position of Head Infrastructure. In July 2004, he was transferred into the newly formed role of Chief Of Staff Australian Defence Headquarters and Head of Coordination and Public Affairs Division. Between February 2008 and May 2009, he led the Defence White Paper team and was also the principal author of the 2009 Defence White Paper.

Michael has a BA (Hons) in History from Sydney University. He enjoys spending time with his family, watching cricket and rugby league, and reading (particularly on military history, international relations, intelligence, and political biographies).

On 8 June 2020, Michael was appointed as an Officer of the Order of Australia (General Division) as part of the Queen's Birthday 2020 Honours List.

Justine Saunders APM, Deputy Secretary / Chief Operating Officer



Justine Saunders APM joined the Department on 29 October 2018 and commenced in her current role as COO in December 2021.

Prior to commencing as COO, Justine was leading the COVID-19 Border Measures Group coordinating the ABF and the Department's policy and strategy for the safe reopening of the international border. From June 2020 to July 2021, Justine was Deputy Commissioner ABF Operations with responsibility for providing strategic direction across all operational activities around the border. Justine was also Deputy Commissioner Support from 2018 to 2020 and had responsibility for delivering strategic capabilities to bring to affect operational outcomes.

Justine brings a depth of experience from across law enforcement and government, and has consistently demonstrated her ability to handle complex operational, capability and policy challenges.

Prior to joining the ABF, Justine was a member of the AFP for 29 years and a member of the senior executive since 2005. As the Chief Police Officer of the Australian Capital Territory (ACT), Justine ensured ACT Policing delivered on Government and community expectations in terms of operational delivery, whilst also implementing significant cultural and capability reforms aimed at developing a sustainable and effective policing service for the future.

As an Assistant Commissioner in the broader AFP, Justine had responsibility for managing strategic relationships with key government stakeholders and law enforcement partners domestically and internationally, and had portfolio responsibilities for strategic policy, governance, corporate communications and support to the Commissioner as Chief of Staff.

Justine holds a Master of Leadership and Management (Policing), Bachelor of Social Sciences (Policing Studies) with Distinction and Graduate Certificate in Applied Management.

Marc Ablong PSM, Deputy Secretary Strategy and National Resilience



Marc Ablong PSM was appointed Deputy Secretary at the Department on 11 October 2018. Prior to this appointment, Marc was First Assistant Secretary Strategy and Capability in the Department on secondment from Defence.

As at 1 September 2021, Marc leads the Strategy and National Resilience Group responsible for strategic guidance and capability planning; intelligence; law enforcement; data and technology; electronic surveillance; and regional processing and resettlement.

Marc spent 25 years in Defence in a range of positions across strategic policy and intelligence, capital equipment and acquisition policy, international policy, military strategy, maritime capability development, Air Force long-range planning, national support, information strategy and futures, strategic reform, and ministerial and executive coordination and communications.

In 2014, Marc was appointed First Assistant Secretary White Paper, to lead the development of the 2016 Defence White Paper, Integrated Investment Program and Defence Industry Policy Statement, which were released by the Government on 25 February 2016. Following the 2016 Defence White Paper, Marc was appointed as the inaugural First Assistant Secretary Contestability. Marc subsequently held roles as First Assistant Secretary Naval Shipbuilding Taskforce and First Assistant Secretary Defence Industry Policy which he undertook concurrently. From October 2017 to April 2018, Marc acted as the Deputy Secretary Strategic Policy and Intelligence.

Marc has attended the Joint Services Staff College, the Centre for Defence and Strategic Studies and completed the Advanced Management Program 190 at the Harvard Business School. Marc was awarded the Public Service Medal in the Australia Day Honours 2018.

Andrew Kefford PSM, Deputy Secretary Social Cohesion and Citizenship / Counter-Terrorism Coordinator / Counter Foreign Interference Coordinator



Andrew Kefford PSM was appointed Deputy Secretary Social Cohesion and Citizenship in the Department in October 2021. In this role, he is responsible for Australia's Citizenship Program, social cohesion and Australian values. He is concurrently appointed as the Commonwealth's Counter-Terrorism Coordinator and Counter Foreign Interference Coordinator.

Before taking up his current position, Andrew served as Deputy Secretary Immigration and Settlement Services. In that role, he was responsible for the administration of Australia's permanent, temporary and humanitarian migration programs, provision of settlement services to newly-arrived migrants, and the Department's client facing service delivery arrangements.

He re-joined the Australian Public Service (APS) in August 2017 following nearly ten years in the ACT Public Service, most recently serving as Head of the Asbestos Response Taskforce. In that role, Andrew led the \$1 billion buyback and demolition program for over one thousand Canberra houses contaminated with loose fill (Mr Fluffy) asbestos insulation under the Loose Fill Asbestos Insulation Eradication Scheme.

Andrew was awarded the Public Service Medal in the Australia Day 2017 Honours List for outstanding public service to the community of the ACT through administrative roles.

Andrew joined the ACT Public Service having served as Senior Adviser (Government) in the Office of Prime Minister the Hon John Howard OM AC, and in senior positions at PM&C and Finance and Administration.

Andrew is a graduate of the University of Western Australia and holds degrees in Arts with Honours in history, and law. He also holds an Executive Master of Public Administration from the Australia and New Zealand School of Government.

Cheryl-anne Moy, Deputy Secretary Immigration and Settlement Services



Cheryl-anne Moy is an experienced leader and brings to her role a depth of experience across a broad range of disciplines such as policy, governance, corporate, program, capability development, service delivery and operational delivery. She joined the public service after a successful career in banking and finance.

Cheryl-anne has held Senior Executive positions in a number of Departments of State and has a diverse background having managed large and high profile Government programs such as Regional Processing, Children in Immigration, Ministerial and Parliamentary Entitlements in the Department of Finance; and Social Policy programs such as Aged & Retirement, Rural & Regional, Employment and Centrelink Call Centres.

Prior to her current role Cheryl-anne was the COO of the Department, managing all corporate functions of the Department and the ABF.

Cheryl-anne holds a Master of Public Administration, is a Graduate of the Australian Institute of Company Directors, and is the Deputy President and Councillor of the Institute of Public Administration Australia.

In her current role as Deputy Secretary, Immigration and Settlement Services, Cheryl-anne has responsibility for the delivery of immigration and refugee policy and programs, service delivery and service transformation.

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Pip de Veau, Group Manager Legal / General Counsel



Pip de Veau has been in the role of Group Manager Legal since March 2020.

Pip held the General Counsel and First Assistant Secretary of Legal Division since the creation of the Portfolio in December 2017, and General Counsel, First Assistant Secretary Legal in the Department of Immigration and Border Protection since early 2015.

Previously, Pip filled General Counsel roles in the ACBPS and the Australian Crime Commission. She is experienced in overseeing a team of in-house lawyers spread around the country in a complex operational environment, dealing with areas such as advocacy and litigation, administrative and criminal law, the exercise of investigative and intelligence gathering powers, Freedom of

Information (FOI), Memorandum's of Understanding (MOU), policy development and legislative reform.

Prior to joining the Commonwealth as a General Counsel, Pip had a lengthy career as a prosecutor with the ACT Office of the Director of Public Prosecutions where she held the position of Assistant Director for nine years. Over two decades she conducted prosecutions ranging from volume crime to murder and conspiracy, appearing in courts ranging from the local Children's Court, significant Coronial inquiries, lengthy jury trials, to several High Court appeals. Pip also has experience in training and process reform.

Pip studied a Bachelor of Arts and Bachelor of Legislative Law (BA LLB).

Michael Milford AM, Group Manager Technology and Major Capability



Mike Milford AM is the Group Manager of the Technology and Major Capability Group. This Group builds, runs and maintains the Portfolio's Information Communication Technology (ICT) and other technology capabilities as critical enablers of the business operations of the portfolio.

Mike joined the Department of Immigration and Border Protection in 2015 and, since then, has held the roles of: First Assistant Secretary, Major Capability Division, responsible for the design, coordination and project management of all new major capabilities; and Chief Information Officer, responsible for information communication technology service delivery to the Department.

Mike's prior career was in the Army, from which he retired in 2015 as a Major General, and Head of ICT Operations at Defence. During his time in the Chief Information Officer Group Mike held a number of roles including Chief Technology Officer, and had responsibility for the Defence Single Information Environment, global terrestrial and satellite communications, and international engagement on military communications.

Mike is married to Jenni and they have three children, Rachel, Christopher, and Emily. He is also an avid reader and fisherman.

Sophie Sharpe, Group Manager Executive and International



Sophie Sharpe was appointed as the Group Manager Executive and International on 1 September 2021. She leads the group responsible for providing direct support to the Secretary and Home Affairs Portfolio Ministers, parliamentary and cabinet support, international engagement and coordination, media and communication (internal and external), inquiries coordination, governance, executive support services, business continuity, enterprise performance reporting and evaluation, and strategic issues management. Sophie is also the Department's Chief Risk Officer.

Prior to her role as Group Manager, Sophie was First Assistant Secretary, Executive Division and Chief of Staff to the Secretary in the Department. She was also the Assistant Secretary, Strategic Coordination in the Centre for

Counter-Terrorism Coordination in the Department and in PM&C where she was responsible for advising on counter-terrorism strategic policy, operations and intelligence, facilitating international counter-terrorism cooperation and advising on counter-terrorism legislative measures.

Before joining the Department in 2017, Sophie had been with PM&C since 2009 where she was also the Executive Officer to the then Secretary, Dr Martin Parkinson. In 2014 to 2015 Sophie enjoyed accompanying her husband on a posting to Washington, where she worked for Defence and the AFP. Prior to this, Sophie held various national security roles, including within the AFP as Coordinator Counter-Terrorism; in the Law Enforcement Cooperation Program, in Specialist Response and Security, and in the Attorney-General's Department (AGD) working in counter-terrorism.

Sophie has a Bachelor in Asian Studies (specialising in Bahasa Indonesia).

Hamish Hansford, Group Manager Cyber and Infrastructure Security Centre



Hamish Hansford was appointed the Group Manager and Inaugural Head of the Australian Cyber and Infrastructure Security Centre on 1 September 2021.

Under the *Security of Critical Infrastructure Act 2018* (SOCIA Act), the Cyber and Infrastructure Security Centre is the principal regulatory authority for all critical infrastructure in Australia. This comprises 11 different critical infrastructure sectors whose infrastructure underpins Australian prosperity and national security.

Immediately prior to this role, Hamish was the First Assistant Secretary of the Cyber, Digital and Technology Policy Division, where he led the delivery and implementation of Australia's Cyber Security Strategy 2020, cybercrime policy, online harms policy including combating terrorist use of the internet and child exploitation, as well as critical and emerging technology and data security policy.

Previous to this, Hamish was the First Assistant Secretary of National Security and Law Enforcement Policy Divisions where he delivered Australia's first ever Modern Slavery Act, surveillance, investigatory powers and lawful access reforms, as well as hardening of Australia's counter money laundering, illicit firearms, terrorist financing and child exploitation regimes.

Hamish has held Senior Executive positions in the Department of Immigration and Border Protection and the Australian Crime Commission. Hamish has also served in a range of intelligence, policy, planning, and program delivery roles in PM&C, AGD, the Australian Senate and the Office of Transport Security.

Hamish started his career in the National Museum of Australia.

Joe Buffone PSM, Director-General Emergency Management Australia



Joe Buffone is the Director-General of Emergency Management Australia (EMA). He has been with EMA since December 2016 and has held multiple roles within the organisation. As Director-General, he is responsible for overseeing the Australian Government National Situation Room, and coordination of Australian Government Disaster Assistance (non-financial).

Joe has more than 30 years' experience in security and disaster management and has held a number of key senior positions.

He was deployed to Victoria to establish and lead the Victorian Aged Care Response Centre to coordinate the response to COVID-19 outbreaks in the Aged Care sector. Joe led the centre for three months until the situation was stabilised and transitioned to recovery.

Over the past 15 years Joe has held several senior executive positions, such as Chief Officer of the Victorian Country Fire Authority, Deputy Emergency Management Commissioner Victoria, and Deputy Emergency Services Commissioner, Victoria. He has had direct involvement in coordinating and responding to major emergencies in Australia and internationally, at the Strategic, Operational and Tactical levels. Some examples are: leading the Victorian Aged Care Response Centre 2020, Black Summer 2019-20, Far North Queensland Floods 2018-19, Cyclone Debbie 2017, Tasmanian Bushfires 2016, Wye River Bushfires 2016, Nepal Earth Quake 2015, Somerton Building Waste Fire 2015, Hazelwood Mine Fire 2014, NSW Bushfires 2014, 2011 Victorian Floods, and the 2009 Black Saturday Fires in Victoria. Joe has also served in the ADFe.

Joe holds a Master of Business, Graduate Diploma in Disaster Management, and a Diploma in Security Management.

Alison Larkins, Coordinator-General for Migrant Services



Alison Larkins was appointed as the Commonwealth Coordinator-General for Migrant Services in late 2019. She has extensive experience working across social policy portfolios at the Commonwealth level, with previous roles including Deputy Secretary, Social Policy at PM&C, acting Commonwealth Ombudsman, and the head of the Refugee, Humanitarian and International Division in the Department of Immigration and Citizenship.

Alison is a National Fellow of the Institute of Public Administration, and has also worked as a Principal with the Nous Group, an Australian-owned management consulting firm.

As the Coordinator-General for Migrant Services, Alison is working closely within the Commonwealth, and state and territory governments, industry and the community sector to drive improvements to employment, English language, and broader settlement outcomes, and also promotes the contribution migrants, refugees and humanitarian entrants make to our nation.

On 30 August 2021, Alison was also appointed as a Co-Chair, along with Paris Aristotle AO, of the Advisory Panel on Australia's Resettlement of Afghan Nationals. The Advisory Panel is comprised of highly regarded Australian-Afghan community leaders and refugee and settlement experts, and is playing a critical role in supporting Afghan evacuees as they settle into Australian life.

Peter Verwer AO, Special Envoy for Global Business and Talent Attraction



Peter Verwer AO was appointed Special Envoy for Global Business and Talent Attraction in late August 2020.

Peter leads the Global Business and Talent Attraction Taskforce which is leading a WofG effort to attract high-value enterprises and exceptionally talented individuals to Australia to help turbocharge our economic recovery from COVID-19, boost our national resilience and drive competitiveness.

The Taskforce has been established in the Department and in partnership with the Australian Trade and Investment Commission, and comprises officers from APS agencies including the Department of Foreign Affairs and Trade (DFAT); the Department of Employment, Skills and Education (DESE); the Department of Industry, Science, Energy and Resources; Defence and the Treasury. The Taskforce is working closely with states and territories.

As a respected and experienced business leader, Peter has extensive commercial, academic and cultural networks across international markets.

His previous roles included Executive Chairman of Fractal IQ, CEO of the Asia Pacific Real Assets Association and CEO of the Property Council of Australia.

Peter has chaired several leadership groups, including the joint Australia-New Zealand Counter-Terrorism Committee's (ANZCTC) Business Advisory Group on Mass Gathering Places, Liveable Housing Australia, Australia's Construction Forecasting Council, the nine-government Development Assessment Forum, and the Kirribilli Dialogue on Universal Design (as co-chair).

Peter has also served on several Australian ministerial advisory councils, including, the Urban Policy Forum and the Australian Statistical Advisory Council.

The Australian Government appointed Peter as one of six Disability Community Ambassadors in 2011. He was also special advisor to CareerTrackers, Australia's leading Indigenous internship program.

Peter was also Adjunct Senior Research Fellow at the National University of Singapore's Institute of Real Estate and Urban Studies.

Peter was invested as an Officer of the Order of Australia in January 2019 for 'distinguished service to the property sector, to sustainable development and construction and to professional bodies'.

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Agency Overview – Australian Border Force

The ABF was established on 1 July 2015, bringing together customs and immigration functions and resources. The ABF is Australia's frontline border law enforcement agency and customs service. The ABF is operationally independent, with the ABF Commissioner as its Statutory Head. The Commissioner is also the Comptroller-General of Customs for the purposes of the Customs Act.

While the ABF is operationally independent, it is not a separate entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). As the Accountable Authority under the PGPA Act, the Secretary has formal governance, planning, performance measurement, and reporting responsibilities for the ABF. As a statutory officer, the ABF Commissioner is required to meet the duties of officials detailed in the PGPA Act.

The ABF supports national prosperity by facilitating legitimate trade and travel and supports national security by securing Australia's border. The ABF is positioned as a global leader in border enforcement to protect Australia's borders and ensure our customs and border processes can meet today's challenges and future requirements. As Australia's customs service, the ABF is the second highest revenue collector for Australia. The ABF delivers a wide range of functions across the border continuum; pre-border, at the border and post border. The ABF's priorities focus on five key functions:

- Facilitation and Industry Engagement;
- Screening and Intervention;
- Compliance and Enforcement;
- Immigration Detention; and
- Civil Maritime Security.

The ABF played a significant part in supporting the WofG response to COVID-19. As Australia's primary border agency we have been in a unique position to support and drive Australia's economic recovery from COVID-19 by ensuring international trade and tourism is able to recover and thrive as the international borders reopened, and continuing to ensure Australia is kept safe and secure.

The ABF's Operating Model provides a strengthened regional presence that connects delivery to decision-making, positioning leadership closer to industry, law enforcement partners and other stakeholders to promote strategic engagement and co-design of solutions. The Department provides the ABF with strategic policy, intelligence support, planning and coordination support, and corporate and enabling services. The ABF's operational headquarters is located in Canberra with a permanent presence in all states and territories, and international representation in key locations.

The Department and ABF work collaboratively to ensure the Department continues to provide enabling and support services to the ABF.

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Michael Outram APM Australian Border Force Commissioner

Term of appointment: 10 May 2018 to 9 May 2023



Michael Outram APM was sworn in as the Commissioner of the ABF on 14 May 2018. The ABF Commissioner is also the Comptroller General for Customs.

Michael joined the ACBPS on 9 March 2015 and was sworn in as the Deputy Commissioner Operations on 1 July 2015.

He has 42 years of experience in a diverse range of law enforcement organisations and settings, including community policing, intelligence operations, protective and major event security, public order management, the investigation of serious crime and border management.

Between 2011 and 2015, as an Assistant Commissioner with the AFP, Michael was responsible for the national protective security function. During this time Michael led the planning and support for the G20 Summit in Brisbane and the response to the downing of Malaysian Airlines Flight 17 over the Ukraine.

Michael joined the AFP from the Australian Crime Commission (ACC). In 2004, he was appointed as the Executive Director, Serious and Organised Crime and he was responsible for the national and international investigative and intelligence functions of the ACC.

Michael's career in Australia started in 2002 at the Independent Commission Against Corruption in New South Wales. His migration to Australia followed a secondment in 2000, to the New South Wales Police Service. He was seconded from the London Metropolitan Police Service in the United Kingdom, where he joined as a police cadet in 1980 and served as a police officer from 1982.

Michael was awarded the Australian Police Medal in 2014 in recognition of his outstanding service in law enforcement. In 2014 he was also awarded a Master of Business and Technology degree by the University of New South Wales and a university prize for academic achievement. In April 2018, Michael completed the Harvard Kennedy School executive education programme 'Leadership in Crises', which he attended having won a Sir James Wolfensohn Public Service Scholarship.

Dwayne Freeman Deputy Commissioner North, West and Detention



On 11 January 2021, Dwayne Freeman was appointed as the first ABF Deputy Commissioner to be based in Brisbane, Queensland. In December 2021, Dwayne was announced as the Deputy Commissioner North, West and Detention.

Dwayne joins the APS following an extensive career in the private sector, most recently as the CEO Abbot Point Operations for Adani Australia from 2016 to 2020. As CEO, Dwayne developed and led the strategic development, transformational change and operation of the multi-billion dollar bulk export facility in Bowen Queensland and was the project lead of the proposed multi-billion dollar port expansion project including stakeholder engagement and the development of a greenfield heavy haul train business to operate in

North Queensland.

Dwayne has previously worked in senior executive roles in tier one logistics and supply chain companies in Australia namely Asciano Ltd, formally Australia's largest national rail freight and port operator (2007 to 2014), and TOLL Holdings (2003 to 2007). He has demonstrated results and experience in a broad range of industries and specialties including business development, mergers and acquisitions, capital raising, finance, strategy, operations, transformation, program management and stakeholder engagement.

Dwayne commenced his career as an apprentice electrician, he holds a Bachelor of Commerce (Accounting) from the University of Newcastle, he also became a Certified Practicing Accountant in 2001, and has completed the General Manager Program at the Melbourne Business School.

Cheryl Pearce AM, CSC Deputy Commissioner South, East and Workforce



On 30 August 2021, Cheryl Pearce AM, CSC commenced in the role of Deputy Commissioner South, East and Workforce, overseeing the delivery of ABF outcomes across the south east regions of Australia and nationally through the provision of centralised workforce capability and sustainment.

Cheryl graduated from the Officer Cadet School Portsea in December 1985, commissioning into the Royal Australian Corps of Military Police. Cheryl's regimental service includes command appointments within both the operational and domestic environment.

During the period 2003 to 2006 Cheryl commanded the Defence Police Training Centre (2003) and 1st Military Police Battalion (2004–2006) and was appointed as a Member of the Order of Australia for exceptional Service during her four-year command tenure. Cheryl's recent command experience prior to her service with the United Nations was as Commandant Australian Defence Force Academy during the period 2017–2018.

Cheryl attended the Australian Command and Staff College in 2001 and Higher Defence College in 2013. Her post-graduate qualifications include a Graduate Diploma of Management in Defence Studies from the University of Canberra, Master of Intelligence, Policing and Counter Terrorism from Macquarie University and a Master of Arts (Defence Studies) from Deakin University.

Cheryl's operational experience includes working as part of the United Nations in East Timor (2002) where she was awarded a Chief of Defence Force Commendation for bravery. She was also appointed as the Commander Task Group Afghanistan (2016) where she received a Commendation for Distinguished Service. More recently, Cheryl completed her tenure as Force Commander, United Nations Forces in Cyprus (2019–2021) and was recognised for her exceptional leadership with the awarding of a Conspicuous Service Cross for her services.

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Vanessa Holben PSM Group Manager Customs / Deputy Comptroller-General



Vanessa is the Deputy Comptroller-General of Customs in the ABF and leads the Customs Group, which is responsible for ensuring Australia's customs and border policy settings allow for the unimpeded movement of legitimate goods across the border, preventing the movement of prohibited goods and detecting, deterring and disrupting criminal and national security threats at borders. Customs Group also leads Australia's WofG response to modern slavery and human trafficking issues. Vanessa also has responsibility for whole of agency ministerial, governance, risk and assurance functions to support and facilitate the ABF's high-level governance forums, coordinate ministerial and parliamentary engagement and

implement the risk management framework and program across the ABF.

Prior to this, Vanessa was the First Assistant Secretary of the National Coordination Mechanism (NCM) within the Department of Home Affairs. The NCM was established to coordinate and facilitate the non-health response measures to the COVID-19 pandemic, through strategic and operational engagement with stakeholders across the Commonwealth, states and territories, industry and the private sector.

Vanessa has also held the role of First Assistant Secretary, Aviation and Maritime Security Division, the security regulator for the aviation, maritime and offshore oil and gas sectors. In this role, Vanessa was responsible for providing advice and assurance to Government on transport security policy, regulation, compliance and practice. Vanessa has held other senior executive roles in the ABF including as the Assistant Commissioner responsible for offshore regional processing arrangements, including regional capacity building efforts, and the onshore immigration detention network.

In January 2022, Vanessa was awarded a Public Service Medal (PSM) in recognition of her outstanding contributions in support of Australia's response to the COVID-19 pandemic.

She holds a Bachelor of Arts, majoring in Criminology and is an avid runner and fitness enthusiast.

Malcolm Skene Group Manager Industry and Border Systems



Malcolm Skene joined the ABF in February 2021 to take up the role of Group Manager, Industry and Border Systems. In this role, Malcolm is responsible for leading engagement with industry and the modernisation of the border through technological advancement, operational change and system reform.

Malcolm brings extensive experience in the infrastructure sector and transport-related assets. Immediately prior to joining the ABF, Malcolm was with AustralianSuper's infrastructure team, where he was responsible for leading the team's investment management activities and oversight of portfolio companies.

He was previously a board director on a number of portfolio company boards.

Prior to joining AustralianSuper in 2016, Malcolm held senior management positions at major airport operating businesses and investors in Australia, Europe, and the United Kingdom. He has worked across a variety of disciplines over the past 20 years including Finance, Strategy and Planning, Operations, Business Improvement and Technology.

Malcolm's senior leadership, extensive commercial and operational experience across industry will be invaluable in the continuing development of the Industry and Border Systems Group.

Malcolm holds Master of Business Administration from the University of Cambridge, with Dean's honours, a Bachelor of Arts and Bachelor of Commerce (Dean's List) from the University of Melbourne, and is a graduate of the Australian Institute of Company Directors.

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Agency Overview – Australian Criminal Intelligence Commission

ACIC is a Commonwealth statutory agency, established under the *Australian Crime Commission Act 2002* with roles and functions underpinned by supporting legislation in each state and territory. It began operating on 1 July 2016, when the former Australian Crime Commission and CrimTrac were merged.

ACIC is uniquely equipped as Australia's national criminal intelligence agency. Its role is to reduce serious and organised crime threats of most harm to Australians and the national interest and provide national policing information systems and services. It works with law enforcement partners to improve the national ability to respond to crime impacting Australia by providing investigative and information delivery functions.

ACIC's vision is '*An Australia hostile to criminal exploitation*'. To perform its role and achieve its purpose, ACIC works closely with national and international partners to:

- collect, correlate, analyse and disseminate criminal information and intelligence;
- maintain a national database of criminal information and intelligence;
- provide and maintain national information capabilities and services to support policing and law enforcement;
- provide strategic criminal intelligence assessments and advice on national criminal intelligence priorities;
- conduct investigations and intelligence operations into federally relevant criminal activity; and
- provide nationally coordinated criminal history checks.

ACIC is developing the National Criminal Intelligence System capability to provide the first truly national and unified picture of criminal activities.

ACIC will continue to strengthen the value of accurate and timely background information to inform decision-making and improve community safety and pursue legislative change to enable the agency to meet contemporary requirements. This includes the real time reporting of deaths in custody which we will work with you to implement.

ACIC represents Commonwealth, state and territory law enforcement and other regulatory agencies. The board provides strategic direction to the agency, authorises intelligence operations and investigations, and determines whether they are deemed 'special', which allows the use of coercive powers.

The Australian Institute of Criminology (AIC)

ACIC supports and closely collaborates with the AIC, to ensure that criminological research and evidence remain central to law enforcement's collective response to crime. The Chief Executive Officer of ACIC is also Director of the AIC and Dr Rick Brown is the Deputy Director, with the two agencies co-located. While the AIC operates independently, its high-quality research is important to its work. The AIC is Australia's national research and knowledge centre on crime and justice, compiling trend data and disseminating research and policy advice. The AIC informs crime and justice policy and practice in Australia by undertaking, funding and disseminating policy-relevant research of national significance.

A Criminology Research Advisory Council comprised of representatives nominated by Attorneys-General in each jurisdiction, advises the AIC on strategic research priorities and on the Criminology Research Grants program. The AIC works with stakeholders both nationally and internationally to bring together a research knowledge base that is both qualitative and quantitative in nature.

Michael Phelan APM, Chief Executive Officer of the Australian Criminal Intelligence Commission and Director of the Australian Institute of Criminology

Term of Appointment: 13 November 2017 to 13 November 2022



As the ACIC CEO, Michael Phelan APM is responsible for management and administration of intelligence operations and specialist capabilities, and for ensuring delivery of national policing information systems and services to partners.

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

Michael has had an extensive career in law enforcement, beginning in 1985 when he was first appointed to the AFP. Throughout his career, he has worked in a variety of fields, including community policing, narcotics and serious fraud.

In 1998, Michael was appointed CEO of the Australian Federal Police Association for two years, before taking up a position as the AFP Senior Liaison Officer in Manila, Philippines. In 2002, he was promoted to the Senior Executive Service in the AFP Brisbane Office.

Michael was appointed Director of the Australian High Tech Crime Centre in 2004, and was promoted to Assistant Commissioner later that year, undertaking the role of National Manager Border and International Network. In September 2007, Michael was appointed as the Chief Police Officer for the ACT.

In 2010, he was promoted to Deputy Commissioner. Across multiple roles at this level, Michael had oversight of the Australian Federal Police High Tech Crime, Forensics, Intelligence, Serious and Organised Crime, Counter-Terrorism and Protection Operations portfolios.

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

In 2008, Michael was awarded the Australian Police Medal.

He also holds a Degree in Commerce, an Honours Degree in Law and Masters in Business Administration.

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Agency Overview – Australian Federal Police

The AFP is Australia's national policing agency, responsible for the protection of Australians and Australia's interests from serious criminal threats. The AFP's role is to enforce Commonwealth criminal law, contribute to combating complex, transnational, serious and organised crime impacting Australia's national security and protect Commonwealth interests from criminal activity in Australia and overseas.

The AFP's vision – policing for a safer Australia – reflects its core functions as legislated in section 8 of the *Australian Federal Police Act 1979* and is informed by associated Ministerial directions issued under section 37(2) of the *Australian Federal Police Act 1979*.

You administer the AFP Act, and may issue a written direction to the AFP Commissioner under that Act, with respect to the general policy to be pursued in relation to the performance of the AFP's functions. The current Ministerial Direction was issued by the then Minister for Home Affairs on 16 December 2020 and complements the Direction issued on 8 August 2019, which relates specifically to investigative action involving unauthorised disclosures to media organisations. The 2020 Ministerial Direction outlines the Government's expectations and priorities for the AFP, covering the following six focus areas: countering terrorism, espionage and foreign interference; combatting child exploitation; transnational serious and organised crime; cybercrime; fraud and anti-corruption; and the provision of specialist protective services.

You have certain limited decision-making functions in relation to AFP operations, including under the *Witness Protection Act 1994* (inclusion of foreign nationals in the National Witness Protection Program), the *Criminal Code 1995* (approval to apply for a terrorism control orders), *Crimes Act 1914* (Crimes Act) (emergency police powers in response to terrorism) and in certain instances of international law enforcement assistance for offences which carry the death penalty overseas.

The AFP operates in an increasingly complex criminal environment and delivers maximum operational impact by directing its resources against the highest criminal threats to Australia. Core functions are delivered across three outcomes; National and International Policing and Investigations, ACT Policing and Specialist Protective Services.

The AFP operates with a workforce of over 7,000 employees. To ensure the challenges of the complex operating environment are constantly met, the AFP maintains a strong regional footprint, with members based in every Australian jurisdiction. This regional model allows the AFP to deliver maximum impact where crime is occurring and maintain strong relationships with state and territory law enforcement counterparts.

Internationally, the AFP has a presence in 33 countries. This international network plays an important role in driving law enforcement collaboration with international partners, leading regional capacity building missions, contributing to regional stability and responding to international incidents.

Significant protest activity in 2022, COVID-19 disinformation and negative social media sentiment, has led to an increase in threats and harassing, nuisance and offensive behaviour towards Parliamentarians and against protected establishments such as Parliament House. The AFP engages with Parliamentarians about their security, and closely monitors security incidents and threats to all Parliamentarians. The AFP works with state and territory law enforcement, intelligence agencies, and other Commonwealth stakeholders to deliver a scalable and tiered protective security model, which is designed to determine the overall protective security overlay delivered to a Parliamentarian through intelligence-led threat, risk and vulnerability-based assessments. The AFP will brief you in further detail on these responsibilities.

The AFP continues to focus on taking deliberate actions to maximise AFP's impact on the criminal environment and on keeping Australians safe from criminal harm, through the prevention, detection, disruption, investigation and prosecution of criminal activity.

Reece P Kershaw APM, Australian Federal Police Commissioner

Term of Appointment: 2 October 2019 to 1 October 2024



Reece Kershaw APM is a career police officer, joining the AFP in 1988 as a Constable for the ACT region. Throughout the early years of his career, he worked in General Duties and Criminal Investigations as a Detective. Reece was also seconded to the National Crime Authority and the Australian Crime Commission.

In 1999, Reece moved to the AFP Perth Office and worked in Operations and Close Personal Protection. In 2003, Reece was promoted to Superintendent, undertaking various leadership roles in the investigation of victim-based crime, High Tech Crime Operations and deployments on overseas postings to the Netherlands, East Timor and Solomon Islands. In 2010, Reece was promoted to Commander, leading Serious and Organised Crime Investigations.

In 2011, Reece left the AFP to commence work for the Northern Territory Police Force (NTPF). His service in the NTPF includes holding the positions of Assistant Commissioner Crime and Specialist Services and Darwin Metropolitan Service. In 2015, he was appointed Commissioner of Police and CEO of the Northern Territory Police, Fire and Emergency Services.

Reece was a Visiting Fellow for the Police Executive Leadership Program at the Australian Institute of Police Management and has completed the Australia New Zealand Police Leadership Strategy Program. He is a graduate of the Federal Bureau of Investigation Law Enforcement Executive Development Program and the Australian Institute of Company Directors. Reece also holds a Master of Business Administration, Graduate Certificate in Business (Banking) and a Certificate in Business (Europe).

Reece was a recipient of the NTPF Outstanding Leadership Medal, and in 2016, he was awarded the Australian Police Medal in the Australia Day Honours.

Reece was appointed as the AFP's 8th Commissioner on 2 October 2019. Under Reece's leadership, the AFP has seen a renewed focus on supporting the frontline, reducing red tape, and enhancing partnerships, to support and enable our police to deliver maximum impact to the criminal environment.

Agency overview – Australian Transaction Reports and Analysis Centre

As Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regulator and FIU, AUSTRAC is responsible for detecting, deterring, and disrupting criminal abuse of the Australian financial system, to protect the Australian community from serious and organised crime.

AUSTRAC's unique value is its dual, interconnected regulation and intelligence functions, and its collaboration with industry and government partners in working toward the vision of a financial system free from criminal abuse. AUSTRAC's regulation hardens the financial sector against criminal exploitation, while its intelligence provides crucial information to national security and law enforcement partners.

AUSTRAC regulates more than 16,700 individuals, businesses and organisations to ensure they have robust AML/CTF processes and systems in place and can effectively identify and mitigate the risks associated with criminal exploitation of the financial system.

AUSTRAC analyses and generates financial intelligence based on suspicious matter and other reports provided by reporting entities. The agency receives roughly half a million reports each day from businesses such as banks and credit unions, lenders and stockbrokers, gambling and bullion service providers, remittance dealers and digital currency exchange providers.

The agency's intelligence analysts draw upon these transaction reports, combined with other information sources, to identify risks and threats. This unique capability to develop actionable financial intelligence that supports law enforcement and national security agencies to investigate and prosecute serious crimes. More recently, AUSTRAC's specialist financial intelligence capabilities have supported Australian sanctions against Russia through transaction monitoring, facilitating industry engagement and conducting financial intelligence analysis on sanctions evasion.

AUSTRAC also uses this information to educate industry to help build the resilience of Australian businesses in detecting and mitigating criminal abuse of the financial system.

Funding

AUSTRAC's budget appropriation is funded predominantly by an industry contribution levy, which renders the agency's combined functions as largely cost neutral to government.

Legislative mandate

The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) and associated Rules provide the legislative framework for Australia's AML/CTF regime. This regime is based on global standards set out by the Financial Action Task Force – the intergovernmental policy and standards-setting body for combatting money laundering, terrorism financing and proliferation financing.

The AML/CTF Act operates alongside its predecessor the *Financial Transaction Reports Act 1988*, which continues to impose some regulatory requirements on 'cash dealers' and solicitors.

AUSTRAC works closely with the Department on AML/CTF policy issues, including on how to best strengthen and improve Australia's AML/CTF laws without placing undue burden on regulated businesses.

Nicole Rose PSM, AUSTRAC Chief Executive Officer

Term of appointment: November 2017–November 2022



Nicole commenced as the CEO of AUSTRAC in November 2017.

As AUSTRAC CEO, Nicole leads Australia's FIU and AML/CTF regulator. AUSTRAC's regulation hardens the financial sector against criminal exploitation, and its intelligence provides crucial information to its national security, domestic and international law enforcement partners.

Nicole has an extensive and diverse career in Australia's law enforcement, criminal justice and intelligence agencies. Before joining AUSTRAC, Nicole was Deputy Secretary of the Criminal Justice Group in the AGD. Prior to that she was Deputy CEO of the ACIC, Acting Director of the Australian Institute of Criminology, CEO of CrimTrac, and Director of the Office of the NSW Police Commissioner.

Over the past four years, Nicole has overseen and finalised civil penalties against the Commonwealth Bank of Australia and Westpac for serious and systemic non-compliance, culminating in the largest corporate fines in Australia's history.

Numerous other enforcement actions have been taken against various entities with the most recent being:

- an enforceable undertaking by the National Australia Bank, and
- the launching of civil penalty proceedings against Crown Resorts and enforcement investigations ongoing into almost ten other entities.

Industries of focus in 2022–23 will include pubs and clubs, for which an extensive nationwide education and outreach campaign is already underway and has engaged more than 455 venues since March 2022. AUSTRAC's focus on increasing education and guidance provided to industry serves to help businesses better meet their AML/CTF obligations.

As head of Australia's FIU, Nicole has overseen a significant expansion and uplift of the agency's capability, including more specialised financial intelligence support to law enforcement and national security partners.

Through a strengthened public-private partnership, Fintel Alliance, AUSTRAC has provided crucial intelligence domestically and internationally to combat serious and organised crime, child sexual abuse, to support AFP's Operation IRONSIDE, and in direct operational support of our state and territory and Commonwealth partners. More recently, AUSTRAC's increased profile in the National Intelligence Community has led to a greater role in combatting threats to Australia's national security in the regional financial sector as well as supporting Australian sanctions against Russia through transaction monitoring, facilitating industry engagement and conducting financial intelligence analysis on sanctions evasion.

Nicole is AUSTRAC's representative on the ACIC Board, the Home Affairs Portfolio Board and the Serious Financial Crime Taskforce CEO Board. She also oversaw AUSTRAC formally joining the National Intelligence Community in 2018 under the enterprise-level management of the Office of National Intelligence, in recognition of the growing importance of financial intelligence.

Nicole was awarded a PSM in 2013, for her services to policing.

Agency Overview – Office of the Special Investigator

The OSI is one element of the Government's broader response to the Inspector-General of the Australian Defence Force's Afghanistan Inquiry report (Brereton Report).

Since January 2021, the OSI has been working with the AFP to investigate allegations of war crimes by members of the Australian Defence Force in Afghanistan from 2005 to 2016.

More than 50 specialist investigators and intelligence analysts are undertaking these joint investigations led by the Director of Investigations. Where appropriate, briefs of evidence will be referred to the Commonwealth Director of Public Prosecutions for consideration.

The Executive Council Order establishing the OSI as an independent Executive Agency specifies that the OSI's functions are to:

- review the findings of the Inspector-General of the Australian Defence Force Afghanistan Inquiry;
- work with the AFP to investigate the commission of criminal offences under Australian law arising from or related to any breaches of the Laws of Armed Conflict by members of the ADF in Afghanistan from 2005 to 2016;
- develop briefs of evidence in respect of any offences that are established, for referral to the Commonwealth Director of Public Prosecutions; and
- undertake other relevant tasks the Prime Minister and you require from time to time.

The OSI is led by the Director-General, Mr Chris Moraitis PSM and Special Investigator, the Hon Mark Weinberg AO QC. Mr Ross Barnett APM (former deputy Commissioner of Queensland Police) is the Director of Investigations.

Investigations are progressing expeditiously and the OSI is intent on delivering on its key objective: to conduct a fair, thorough and impartial investigation of alleged war crimes within its remit. In progressing the investigations with the AFP, the OSI is focused on carefully managing the legal complexities involved to protect the integrity of its work and any future prosecutions.

As at 30 April 2022, the OSI had an established workforce of 84 staff – 53 specialist investigators and intelligence analysts (AFP appointees) and 31 legal, policy, governance and corporate staff.

The OSI is currently funded to the end of 2022-23 financial year (\$56.5 million budgeted in 2022-23 financial year). Future funding will be subject to consideration in the 2023-24 financial year budget process.

The OSI has no specific enabling legislation. Authority to act is derived from the Executive Council Order (see above). The OSI is an independent agency under the *Public Service Act 1999* and operates as a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*.

All investigators and analysts deployed to the joint OSI-AFP investigation are AFP appointees and can exercise a range of police powers in accordance with the *Australian Federal Police Act 1979*.

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Mr Chris Moraitis PSM, Director-General Office of the Special Investigator

Term of appointment: 4 January 2021 to 4 January 2026¹



Chris Moraitis PSM was appointed Director-General OSI in January 2021.

He served as Secretary of the AGD from 2014 to 2021, following a 25-year career in DFAT.

During his time in DFAT, Chris served in a variety of roles, including as Deputy Secretary and as the Senior Legal Adviser. Chris also served as High Commissioner to Papua New Guinea and in Australian missions in Paris, Madrid and Geneva UN.

Chris was awarded the Public Service Medal in 2014 for outstanding public service to Australia's international affairs.

Chris holds a Bachelor of Arts (Hons) and Bachelor of Laws (Hons) from the University of Melbourne and a Masters of International Law from the Australian National University. He was admitted to practice in Victoria as a Barrister and Solicitor in 1988.

The Hon Mark Weinberg AO QC, Special Investigator Office of the Special Investigator

Term of appointment: 1 February 2021 to 30 June 2023²



The Hon Mark Weinberg AO QC commenced as the Special Investigator for the OSI in February 2021.

Before joining the OSI, Mark was appointed a Reserve Judge of the Victorian Court of Appeal from 8 May 2018, and continued to sit regularly, and on a full-time basis.

Mark was appointed to the Court of Appeal, Supreme Court of Victoria in July 2008. Prior to that, Mark was a judge of the Federal Court of Australia from 1998 to 2008 and previously held a series of additional judicial and other appointments.

Mark was appointed an Officer of the Order of Australia in 2017. He was awarded the degree of LLD (Honoris Causa) by Monash University in October 2017.

Mark was the Commonwealth Director of Public Prosecutions from 1988 to 1991.

Mark was admitted to practice in New South Wales in 1974 and in Victoria in 1975. In 1975, he joined the academic staff of the University of Melbourne, where he held various positions in the Faculty of Law, culminating in Dean of the Faculty from 1984 to 1985.

¹ The Director-General role is a non-ongoing position for a term of five years.

² The Special Investigator role is a prescribed official under the *Public Governance, Performance and Accountability Act 2013*. The labour hire contract allows for further extensions.

Strategic Initiatives

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Implementing Your Government's Priorities

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Election Commitments

1. Key Highlights

This brief provides an overview of the election commitments your Government made that the Portfolio will lead on your behalf.

2. Overview

The Department has provided a summary of election commitments that your Government made during the course of the election campaign, to which the Portfolio will be responsible for implementing.

We will report regularly (quarterly) to you on the status of these commitments. In addition, we will report to you on your areas of immediate focus (Ministerial Priorities), on a weekly basis up to June 2022 or as requested by you.

PM&C are responsible for facilitating and coordinating election commitments reporting across the Australian Government. The Department will work with your office on appropriate reporting mechanisms to PM&C and the PMO.

Further advice on implementing your key commitments is provided in this chapter.

3. Current Situation

Election commitments have been categorised by the ten priorities contained in the Portfolio's *Strategic Guidance 2021*.

3.1. Commitments that the Portfolio is responsible for implementing

Line of Effort	Commitment
Future Proof Capabilities	See 17 and 34 below
Secure Cyber, Identity, Data, Critical Infrastructure and Critical Technology	<ol style="list-style-type: none"> 1. Cyber security private sector collaboration 2. A Minister with direct portfolio responsibility for cyber security
Improve Trade Efficiency	<ol style="list-style-type: none"> 3. Exempt import tax on some imported electric vehicles
Counter Terrorism	<ol style="list-style-type: none"> 4. Not seek to repeal existing sentencing laws for terrorists
Manage Migration and Travel	<ol style="list-style-type: none"> 5. Stronger Pacific Family Plan – New Pacific engagement visa 6. Return the Murugappan family home to Biloela, Queensland 7. Legislation or regulatory change to prevent refugees resettled in New Zealand from Australia gaining a subclass 444 visa 8. Abolish TPVs and SHEVs and create a new permanent visa

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Line of Effort	Commitment
	<p>9. Migration as a way to fix the aged care crisis and to recruit overseas health services</p> <p>10. Make it easier for foreign workers to gain permanent residency</p> <p>11. Progress the Australia-New Zealand resettlement arrangement</p> <p>12. Cost recovery from convicted foreign criminals who are in immigration detention</p> <p>13. Increasing the temporary skilled migration income threshold</p>
Fight Crime	<p>14. New security equipment for Logan, Queensland</p> <p>15. Funding for a new youth hub in Darwin, Northern Territory to combat anti-social behaviour</p> <p>16. Plan for crime and community safety in Central Australia</p> <p>17. Real-time reporting of deaths in custody (this also relates to "Future Proof Capabilities"). The ACIC will work with you to implement this commitment.</p>
Promote a Cohesive Australia and Counter Foreign Interference	<p>18. A Government that works for multicultural Australia</p> <p>19. Funding for the construction of a Jewish Community Centre in Yokine, Western Australia</p> <p>20. \$1.6 million to the building works of the Vietnamese Cultural Centre in Girrawheen, Western Australia</p> <p>21. Support for the Hillview Intercultural Community Centre in Bentley, Western Australia</p> <p>22. Funding for the Cairns Bhutanese Community Inc. to ensure the future of the Diwali festival in Cairns, Queensland</p> <p>23. Funding to rebuild the Coburg Islamic Centre in Coburg, Victoria</p> <p>24. Funding for the completion of the Bendigo Islamic Community Centre in Bendigo, Victoria</p> <p>25. Support to help more Australian kids learn languages</p> <p>26. Funding for a Hindu Community Hub at the Temple in The Basin, Victoria</p> <p>27. Funding for the Sikh Volunteers Australia Kitchen and Community Centre Project in Langwarrin, Victoria</p> <p>28. Funding for the Upfield Soccer Club Festival in Dallas, Victoria</p> <p>29. Funding for the Tasmania Migrant Resource Centre Wall of Friendship in Launceston, Tasmania</p> <p>30. Funding for the Flourish Multicultural Festival in Biloela and Gladstone, Queensland</p> <p>31. Improving the Adult Migrant English Program</p>

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Line of Effort	Commitment
Counter Exploitation of Vulnerable People	32. Not seek to repeal existing sentencing laws for child sex-offenders 33. Strengthen the <i>Modern Slavery Act</i> and tackle modern slavery
Manage Emergency Response and National Coordination	34. Aerial firefighting fleet (this also relates to “Future Proof Capabilities”)
Civil Maritime Security	35. Ongoing commitments to Operation Sovereign Borders 36. Not seek to repeal existing sentencing laws for people smugglers

4. Contact Details

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

Operation Sovereign Borders, including regional processing

1. Key Highlights

The multi-layered Operation Sovereign Borders (OSB) policy framework has successfully suppressed, but not defeated, the maritime people smuggling threat to Australia's borders and saved lives at sea. Continued success requires the Government's enduring commitment to fund and maintain the OSB framework, reinforcing denial of a settlement pathway in Australia to UMAs.

2. Overview of OSB

2.1. Three pillars of OSB and complementary policies

OSB is operationalised through a multi-agency border protection construct delivered through three key pillars:

- offshore deterrence and disruption;
- detection, interception and transfers; and
- regional processing and third country resettlement.

Various complementary policy measures support OSB deterrence efforts, including:

- visa policy measures:
 - Temporary Protection (subclass 785) visas (TPVs) and restrictions on UMAs accessing permanent protection visas;
 - restrictions on sponsorship through the Special Humanitarian Program;
 - family reunion de-prioritisation;
 - statutory bar preventing certain cohorts from lodging valid visa;
- Australia's Humanitarian Program which provides lawful settlement pathways to Australia for individuals in need of international protection;
- international capacity and capability building with regional partner countries, including supporting their efforts to stabilise displaced populations (through programs like the Regional Cooperation Arrangement in Indonesia);
- counter-people smuggling policy (delivered by the Department in collaboration with DFAT), and international advocacy, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process); and
- multilateral engagement and cooperation through various regional forums.

All activities under the three key lines of effort, and the complementary policies and arrangements supporting these key lines of effort, are mutually reinforcing. The key strength of the OSB model is that all elements working together collectively contribute to Australia's ability to maintain strong denial and deterrence effects against maritime people smuggling. Changes to any single element of OSB, without effective mitigation, may result in a weakening of the overall denial and deterrence effects delivered by the operation as a whole. Further information related to your policy to abolish TPVs is in [Abolishing Temporary Protection Visas](#).

2.2. Role of Joint Agency Task Force (JATF)

Rear Admiral Justin Jones CSC, RAN is the current Commander of JATF OSB (CJATF), and 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 intended denial and deterrence effects. Rear Admiral Jones is also the current Commander of Maritime Border Command (MBC) within the ABF. A Ministerial Directive to the Commander underpins CJATF's authorities. We will provide you with a submission on providing your direction to CJATF within the first week of your tenure, which will reset authorities and accountabilities for the OSB mission and the underpinning JATF arrangements, including the three task groups described below.

Fundamental to the success of the OSB mission is the delivery of six core effects, those being: deterrence, disruption, detection, interception, return and resettlement. Delivery of these effects occurs through a multi-layered, multi-agency approach under the three key lines of effort described above.

CJATF coordinates delivery of effects under OSB's three key lines of effort through three multi-agency task groups:

- Command arrangements for Disruption and Deterrence Task Group (DDTG) is led by the AFP. The AFP Commissioner is accountable for ensuring that the DDTG is effective and efficient in its operation to meet the OSB mission.
- Command arrangements for Detection Interception and Transfer Task Group (DITTG) led by the Maritime Border Command. The ABF Commissioner is accountable for ensuring that the DITTG is effective and efficient in its operation to meet the OSB mission.
- Command arrangements for Regional Processing, Return and Resettlement Task Group (RPRRTG) are led by the Department. The Secretary is accountable for ensuring that the RPRRTG is responsive to the OSB mission and operational requirements.

3. Current Situation – Operationalising OSB

3.1. Key principles

In implementing the Government's border security policies, all activities under OSB are conducted in compliance with all domestic and international law obligations. All decisions taken in regard to on-water matters, and returns to countries of origin or departure are implemented only where it is safe-to-do-so. These operations are also conducted as expeditiously as possible.

Any public release of information on OSB activities must balance the public interest in disclosure against the public interest in preserving the secrecy of that information, including:


- ensuring the safety of all persons involved in OSB activities;
- protecting Australia's foreign relations; and
- preserving Australia's national security and defence interests.

3.2. Deterrence and disruption

The deterrence and disruption line of effort s. 33(a)(i)



s. 33(a)(i)



The anti-people smuggling strategic communication campaign, currently branded as Zero Chance, s. 47E(d) deliver strategic messaging in 15 languages and 11 regional source and transit countries. The messaging campaign aims to:


- raise awareness among potential illegal immigrants (PIIs) of Australia's border protection and immigration policies, including legal migration options;
- highlight the perils of attempting dangerous maritime journeys to Australia; and
- discredit people smugglers and alert PIIs to the criminal disregard people smugglers have for their welfare.

s. 47E(d)



Where strategic messaging is insufficient to deter PIIs from engaging in maritime people smuggling ventures, OSB cooperates with authorities in regional partner countries to identify and disrupt the planning and launch of those ventures.

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



3.3. Detection, interception and transfer


This line of effort focuses on preventing any maritime people smuggling ventures that have put to sea from reaching Australian territory. It includes robust air and sea surveillance to detect and intercept suspected illegal entry vessels (SIEVs), and safely return those on board to their country of origin or departure.

Since the establishment of OSB on 18 September 2013, 38 maritime people smuggling ventures and 873 people have been safely returned to their country of origin or departure by Australian authorities. The last return operation occurred in January 2020. The venture interdicted on 21 May 2022 is not reflected in these statistics, because at the time of drafting a return had not yet been effected.

To ensure the availability of appropriate resources, a combination of ADF and ABF air and marine capabilities are integrated as part of the ABF's MBC, and assigned to CJATF OSB as required. MBC is a joint agency task force commanded by the Commander MBC (who is currently dual hatted as Commander MBC and CJATF), and is accountable to the ABF Commissioner for MBC operations.

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s. 33(a)(i)



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3.4. Regional processing and resettlement

Since September 2012, 4,177 UMAs have been transferred to Nauru and PNG for regional processing, with 3,127 of those arriving since 19 July 2013 and forming the current regional processing caseload.

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

As at 21 May 2022, there are 112 transferees (111 adult males and one adult female) under regional processing arrangements in Nauru and a further 1,170 transitory persons (including 265 minors) in Australia, having been brought to Australia for a temporary purpose to receive medical treatment and related activities.

Regional processing arrangements in Nauru, and the management of individuals under those arrangements, is the responsibility of the Government of Nauru. Australia does not have effective control over regional processing arrangements, but supports and assists the Government of Nauru to implement arrangements through the engagement of specialist service providers, capacity building, mentoring and training.

Three primary service providers are contracted to support the Government of Nauru provide transferees with continued access to health and welfare services:

- Canstruct International Pty Ltd (Canstruct) – garrison, security, and facilities management;
- International Health and Medical Services (IHMS) – primary and mental health services, and access to specialist health services; and
- Craddock Murray Neumann (CMN) – protection claims assistance and resettlement legal support.

The continuation of these services is critical to the ongoing implementation of regional processing arrangements in Nauru.

The Department is working with the Government of Nauru to resolve the residual regional processing caseload in 2022 and transition arrangements to an enduring regional processing capability. A new MOU for the establishment of an enduring regional processing capability in Nauru was signed on 24 September 2021, and will come into effect from 1 July 2022; superseding the current MOU.

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

The enduring capability will commence on 1 July 2022 s. 47E(d)

To support the establishment of enduring capability, two procurement activities are currently ongoing for enduring capability services in Nauru including: facilities, garrison, transferee arrivals and reception services; and health services. The Request for Tender closed on 28 March 2022 and submissions are currently undergoing evaluation. New services are expected to commence following evaluation and negotiation with the preferred tenderer, s. 47E(d)

¹ On 31 December 2021, Australia ended its regional processing association with PNG, with the 105 individuals remaining in PNG under the PNG Government's full and independent management. These individuals have since been excised from the regional processing caseload and are no longer monitored or reported by Australia outside of the United States Resettlement arrangement.

s. 47E(d)

3.5. Third country resettlement

Consistent with the MOU, Australia supports the Government of Nauru to resettle UMAs found by a regional processing country to be in need of international protection in a third safe country. Australia has active resettlement arrangements with the United States (commenced in November 2016 for up to 1,250 refugees) and New Zealand (commenced on 24 March 2022 for 150 refugees annually over three years). Refugees are also pursuing self-identified resettlement pathways, such as Canada's Private Sponsorship of Refugees Programme. Travel and reintegration assistance is available for transferees who seek to return home voluntarily or to a country to which they have right of entry. Transferees found not in need of international protection are expected to return home voluntarily, or will be removed by the Government of Nauru under its domestic legislation.

The United States resettlement arrangement remains active, with the United States continuing to hand down decisions and effect departures from Nauru, PNG and Australia. s. 33(a)(iii)

As at 21 May 2022, 1,002 UMAs have resettled under the arrangement s. 33(a)(iii)

The new resettlement arrangement with New Zealand covers UMAs in Nauru and those temporarily in Australia.² Expressions of interest are made through the UNHCR website and triaged against protection criteria and referred to the New Zealand Government for resettlement assessment. New Zealand will commence resettlement interviews in late May 2022 and first resettlement is expected in late 2022. The arrangement will prioritise consideration of UMAs who do not have an existing resettlement pathway and cases in Nauru.

We will provide you with early advice on options for maximising third country migration outflow to the United States, New Zealand s. 33(a)(iii) .

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

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

3.6. Complementary policies


OSB is complemented by various visa policy settings, including TPVs, no sponsorship through the Special Humanitarian Program and de-prioritisation of family visa applications for UMAs, and bilateral and multilateral capacity building throughout our region. Regional engagement includes funding the Regional Cooperation Arrangement in Indonesia and Regional Support Office of the Bali Process on

² The New Zealand resettlement arrangement is not open to individuals remaining in PNG following Australia's exit. However, separately the UNHCR has reached agreement with New Zealand to refer cases from PNG through its standing Refugee Quota Programme. New Zealand intends to progress this caseload in the new financial year following Cabinet endorsement.

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People Smuggling, Trafficking in Persons and Related Transnational Crime (refer to Regional Cooperation).

s. 47C(1)



As noted above, further information is outlined in Abolishing Temporary Protection Visas.


s. 33(a)(i)



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s. 33(a)(i)



4. Legislative Framework

4.1. Maritime Powers Act – on water powers

OSB operates in compliance with all domestic and international law obligations in the regulation of SIEVs and PIIIs, including international human rights law, refugee law and the law of the sea.

OSB operates under the Maritime Powers Act for the interception, boarding and searching of vessels and PIIIs and detention.

For activities within the Australian migration zone, such as transfers from vessels to aircraft as part of take back operations or transfer to a regional processing country, OSB operates under the Migration Act and the Customs Act.

s. 47C(1)



4.2. Migration Act – regional processing powers

The legislative framework for regional processing is codified in the Migration Act, which includes:

- designation of a regional processing country (section 198AB);
- powers to take an UMA to a regional processing country (section 198AD);
- powers to determine that section 198AD does not apply to an UMA or class of UMAs (exemption) (section 198AE);
- bringing of transitory persons³ to Australia for a temporary purpose (section 198B) and their return to a regional processing country (sections 198AH and 198AD); and
- funding authority for regional processing functions (section 198AHA).

Regional processing is enlivened as a policy response for UMAs who cannot be safely returned to their point of departure or their country of origin. Ministerial approval (through Ministerial submission) is required to take a new UMA to a regional processing country. The same process is not required for returning transitory persons.

The Migration Act provides legal basis to bring transitory persons to Australia for a temporary purpose and requires transitory persons to return to a regional processing country once they no longer need to be in Australia for the temporary purpose for which they were brought.

³ UMAs are known as transferees in Nauru and as transitory persons when brought to Australia for a temporary purpose.

Transitory persons do not have a visa to enter Australia and are detained under section 189 on arrival and held in detention until they depart or are otherwise released following Ministerial intervention. As unlawful non-citizens in Australia, transitory persons under residence determination and in held detention remain subject to regional processing returns provisions. s. 47E(d)

The currently active section 198AD(5) Ministerial Direction was signed on 10 March 2022, directing all returns (and new arrivals) to Nauru.

New directions supporting on-water returns and regional processing were signed by the Treasurer, as Minister administering the Department, on 23 May 2022. These directions will remain in effect until revoked or varied.

5. Risks and Sensitivities

While other Western countries are struggling to find effective policies to deal with the global irregular migration trend, Australia has been successful in significantly suppressing the scale of the illegal maritime migration threat. Our response to maritime people smuggling, delivered through OSB and related activities, has been successful in stemming the flow of PILs to Australia.

s. 33(a)(i)

Regional processing is a complex and sensitive policy setting that attracts significant criticism from refugee advocates, the public and international organisation, notably in UN bodies, raising concerns over externalisation, human rights and conditions and standards of care. Australia strongly contests claims that regional processing arrangements breach Australia's international human rights obligations.

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

s. 47C(1)

s. 47C(1), s. 47E(d)

s. 47C(1)

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s. 47C(1), s. 47E(d)

s. 47C(1)

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

s. 47C(1)

6. Stakeholders

6.1. JATF – multi-agency

OSB comprises representatives of the following 16 government departments and agencies:

- PM&C, DFAT, Defence, the Department, AGD, ADF, ABF including MBC, ONI, ASD, ASIO, AGO, ACIC, AFP, and Australian Maritime Safety Authority.

In addition to domestic engagement across Government, OSB and its contributing agencies undertake international engagement activity to build relationships with key regional partners in support of Australia's border protection interests. This includes both targeted bilateral engagement, as well as multilateral engagement efforts. Australia's Ambassador for People Smuggling and Human Trafficking works closely with CJATF on the promotion of international cooperation to counter people smuggling in support of OSB.

OSB is supported by a range of officials-level inter-departmental forums, most notably the OSB Interdepartmental Reference Group (OSB IRG) chaired by PM&C. The group provides a forum to build a common understanding of the OSB operating environment, including discussion of high-level trends and issues impacting OSB equities. The OSB IRG also provides an avenue to address any interagency issues and to discuss the resources required to support JATF OSB to ensure it remains appropriate for the extant threat and risk of maritime people smuggling.

6.2. Government of Nauru and third country resettlement countries

Australia enjoys a close working relationship with Nauru. s. 33(a)(iii)

The Department maintains excellent working relationships with the United States, New Zealand s. 33(a)(iii) on resettlement. s. 33(a)(iii)


. Our relationship with New Zealand officials is very productive with excellent information sharing channels. s. 33(a)(iii)

6.3. Scrutiny of regional processing arrangements

Regional processing is independently scrutinized by the UNHCR, the International Committee for the Red Cross, the Commonwealth Ombudsman, Comcare, AHRC and the ANAO. Regional processing has been the subject of numerous parliamentary inquiries, and independent reviews and legal challenges.

7. Milestones

s. 47C(1)



8. Contact Details

Name: Marc Ablong PSM – Deputy Secretary, Strategy and National Resilience

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

Name: RADM Justin Jones CSC – Commander, JATF OSB

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

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Abolishing Temporary Protection Visas

1. Summary of Commitment/Issue

Your Government has announced they would abolish temporary protection visas and provide PPVs to the approximately 18,500 TPV and SHEV holders in Australia.

2. Current Situation

On 19 July 2013, Australia signed the Regional Resettlement Agreement with Papua New Guinea, confirming the policy position that no UMAs would settle permanently in Australia. The current temporary protection visa framework was reinstated via passage of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* on 5 December 2014. The framework applies to UMAs who entered Australia on or after 13 August 2012 and before 1 January 2014 and not taken to a regional processing country.

UMAs in Australia are prevented by the *Migration Act 1958* (Migration Act) from lodging a valid visa application, unless you, as Minister, allow them to do so. By law, eligible UMAs may only apply for temporary protection visas. Those found to engage Australia's protection obligations are granted either a TPV (valid for three years) or a SHEV (valid for five years).

Non-citizens who arrive lawfully in Australia, who are found to engage Australia's *non-refoulement* (non-return) obligations may be granted a PPV, subject to satisfying relevant criteria including health, character and security (see *Refugee and Humanitarian Program* for further details). Approximately 20,000 UMAs had a PPV application decided through this process prior to 19 July 2013.

As at 17 May 2022, there are approximately 31,000 UMAs (including over 2,200 children born in Australia) who have been subject to the current temporary protection framework (TPV/SHEV cohort), and about 18,500 TPV/SHEV holders in Australia. A breakdown of this caseload is at **Attachment A**.

s. 47E(d)

Regional processing arrangements (including for individuals in Nauru, temporarily in Australia ('transitory persons') and any potential future arrivals are outlined in *Operation Sovereign Borders*.

3. Opportunities and Constraints

s. 47C(1)

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s. 47C(1)



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s. 47C(1)





3.1.3. Access to family reunification

s. 47C(1)









3.2. Amending legislative framework to remove TPV/SHEVs

Abolishing temporary protection visas involves repealing TPV/SHEVs in section 35A of the Migration Act and associated amendments to both the Migration Act and Migration Regulations. The current TPV framework also applies to other irregular arrivals, including unauthorised air arrivals (320 in the last five full program years). s. 47C(1)





Your Government has indicated that future UMAs would continue to be subject to existing OSB policies, including turn backs, regional processing and third country resettlement, and will not be eligible for a visa or allowed to settle in Australia. s. 47C(1)



s. 47C(1)




Your Government has indicated it may consider disbanding the Immigration Assessment Authority (IAA) and reinstate merits review by the Refugee Review Tribunal. s. 47C(1)



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4. Risks and Sensitivities

s. 47C(1)



5. Consultation

Consultation across external and central agencies will be required to manage implementation; draft legislation; ensure funding for appropriate health, education and other support services; and to prepare OSB strategic communications messaging and responses to other operational considerations, including through existing OSB intergovernmental forums and arrangements. Relevant ministerial and departmental forums are outlined in *Refugee and Humanitarian Program*.

6. Milestones

s. 47C(1)



8. Attachments

Attachment A – TPV/SHEV caseload – high-level statistics

9. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary, Immigration and Settlement Services Group
Contact: s. 22(1)(a)(ii) / s. 22(1)(a)(ii) / s. 22(1)(a)(ii) @homeaffairs.gov.au

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TPV/SHEV caseload – high-level statistics

As of 17 May 2022, there are 31,127 UMAs (including over 2,200 children born in Australia) who have been subject to the current temporary protection framework (*TPV/SHEV cohort*). Of these:

- 18,568 people hold a TPV or SHEV.
 - This includes 7,501 people who have applied for a subsequent TPV/SHEV.
- 2,483 people have an initial TPV/SHEV application being processed, including:
 - 1,710 people who have an initial TPV/SHEV application on hand with the Department.
 - 773 people who are undergoing merits review of a refusal of an initial TPV/SHEV application.
- 7,689 people require other status resolution – including those whose TPV/SHEV has expired, been cancelled, are seeking judicial review, or who have no ongoing immigration matters (failed asylum seekers).
- 2,410 people have had their cases resolved. The majority of whom have departed Australia (2,046 people), but also includes those who have acquired Australian citizenship, another visa, or deceased.

A further 35 people were invited to engage in the TPV/SHEV process but have never lodged an application.

A further 20,493 UMAs were processed through the PPV process prior to 19 July 2013.

- 15,359 people were granted a PPV (7,849 of which have subsequently acquired Australian citizenship).
- 5,134 were refused a PPV.
 - 4,735 have departed Australia and 99 are deceased.
 - 300 people remain onshore and are either seeking judicial review or have no immigration matters ongoing.

Civil Maritime Capability Program

1. Summary of Commitment/Issue

Australia's civil maritime security capabilities protect our sovereign territory, resources and people as part of Australia's national security approach. To meet the challenges of a complex future threat environment, the Department has established the integrated CMCP. The CMCP adopts a long-term, strategy-led approach and centralises civil maritime security capability management and coordination to enable informed, cost-effective and assured capability investment decisions. The CMCP is currently only funded to engage specialist technical resources and undertake risk mitigation activities until the end of Q2 FY2022–23 and will require additional funding to continue this work and ensure capability gaps do not arise.

2. Current Situation

The Department is the strategic and policy lead for Australian civil maritime security, and the ABF leads and manages national civil maritime security planning and operations, working with other National Security agencies including Defence. The principal undertaking for the Department is the Joint Agency Task Force that plans and executes Operation Sovereign Borders.

The Department is managing ABF maritime surveillance and response capabilities through the integrated CMCP. In late 2021, the CMCP further expanded its scope to manage the AMIS which is the primary situational awareness and decision support ICT system.

The CMCP will ensure that civil maritime security capability requirements are identified early and options for capability investment decisions are aligned to the public Australian Government Civil Maritime Security Strategy, and whole-of-capability and whole-of-life considerations. This will be cognisant of the fact that the Australian Maritime Domain covers around 10 per cent of the Earth's surface from the complex waterways in our tropical North down to the deep Southern Ocean, and maritime security threats are increasing in complexity. They include irregular migration and people trafficking, exploitation by transnational organised crime and its possible collaboration with extremist groups.

The CMCP will also provide further opportunities to leverage national security capabilities, particularly with Defence, to deliver enhanced national security outcomes. Australian industry will be provided with significant opportunities that will allow the Government to maximise local content, innovation and expertise.

The CMCP is planning across a 20 year horizon and will deliver fit-for-purpose capability progressively in tranches and phases through three sub-programs. The use of Tranche approvals will allow the Department to prioritise the delivery of capability to meet the evolving threat environment while mitigating the risk of capability gaps. It will also enable the CMCP to deliver a longer term, integrated capability outcome, adapting to support the management of in-service capabilities and to achieve progressive delivery of replacement capabilities. This body of work creates the foundation for building Government confidence, industry investment confidence and maximising Australian industry participation.

2.1. CMCP Sub-Programs

2.1.1. The Surveillance Sub-Program

The Surveillance Sub-Program will deliver a layered surveillance capability by considering available technology options. The Surveillance Sub-Program is working alongside Defence to undertake risk reduction activities, develop foundational technical documentation and leverage Defence's extensive experience in capability development and support. Industry will play a key role in delivery, with significant opportunities for Australian industry throughout the acquisition and sustainment phases.

2.1.1.1. Decisions required in October 2022 Budget

s. 47E(d)



2.1.2. The Response Sub-Program

The Response Sub-Program will provide remediation and enhancement of capabilities and take an integrated national security approach that promotes Australian industry participation in planning future patrol and response capabilities. Particularly through close consultation with Defence as part of the National Shipbuilding Enterprise, it will deliver new maritime platforms to achieve effective maritime patrol and response presence across Australia's maritime domain.

2.1.2.1. Decisions required in October 2022 Budget

s. 47C(1)




2.1.3. The Domain Awareness Sub-Program

The Domain Awareness Sub-Program will undertake focused requirements analysis and planning to consolidate and uplift existing domain awareness systems. Domain awareness systems provide a core enabling capability of operational command and decision support tools to the ABF. The Domain Awareness Sub-Program will leverage technology to deliver enhanced analysis and coordination of operational data to manage Australia's maritime domain through a common operating picture.

2.1.3.1. Decisions required in October 2022 Budget


s. 47C(1)



2.2. Work undertaken to-date

Work conducted by the CMCP to date includes a range of technical studies, options analysis, stakeholder engagement, capability assessments, risk reduction activities and industry engagement. Work undertaken by the CMCP has included:


- establishment of a long-term integrated capability roadmap, encompassing whole-of-life considerations to inform Government decision-making;
- development of a ten year Rough Order of Magnitude (ROM) cost estimate, using the Department of Finance and Defence endorsed cost estimation methodology, that will enable delivery of civil maritime security capabilities in line with the agreed CMCP scope, approach and roadmap;

- s. 47C(1)
- 

- analysis of user requirements to inform capability options, including the development of operational concept documents informed by user needs analysis; analysis of acquisition, procurement and delivery options; and industry engagement since 2018 to enable capability delivery that maximises Australian industry participation ;
- evaluating opportunities to leverage the National Shipbuilding Enterprise for future patrol and response capability;
- analysis and assessment of technical opportunities to support transitional capability and improvements to AMIS.

2.3. October 2022 Budget Funding for operating costs

s. 47C(1), s. 47E(d)




2.4. Priorities

s. 47C(1)




s. 47C(1)



3. Opportunities and Constraints

s. 47C(1)



4. Risks and Sensitivities



s. 47C(1)




5. Consultation

The Department is collaborating with the Defence on the joint submission to outline a long-term capability strategy. Additional CMCP consultation is multiagency and includes PM&C, Finance, Australian Antarctic Division, Australian Space Agency and other federal, state and territory Civil Maritime Security policy, operational, capability and law enforcement stakeholders.

6. Milestones

s. 47C(1)



8. Contact Details

Name: Marc Ablong PSM – Deputy Secretary, Strategy and National Resilience

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

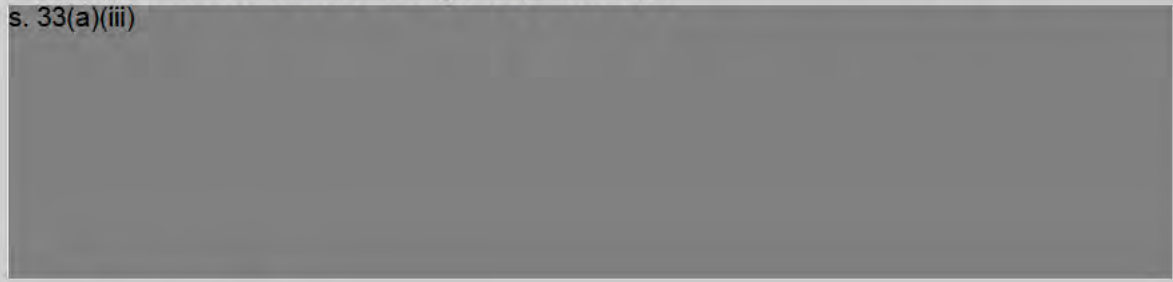
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Pacific Maritime Security Program

1. Summary of Commitment/Issue

Your Government announced it will double Australia's funding for the PMSP and step up Australia's support for aerial surveillance activities as part of the PMSP by increasing funding by \$12 million a year from 2024-25 financial year. A revitalisation of the PMSP, supported by an ABF Pacific Network, will ensure Australia meets the needs of our Pacific partners and strengthens our security, law enforcement and intelligence partnerships.


s. 33(a)(iii)



2. Current Situation


The PMSP is a Defence-led initiative and is a 30 year commitment to support replacement of Pacific Patrol Boats with the more capable Guardian Class Patrol Boats, together with long-term sustainment and training support. The PMSP includes scoping work around wharf infrastructure, capability and needs assessment, aerial surveillance, training and enhanced regional coordination.

s. 47E(d)




3. Opportunities and Constraints


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



s. 33(a)(iii)



s. 47E(d)




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s. 47C(1)



s. 33(a)(iii), s. 47E(d), s. 47C(1)



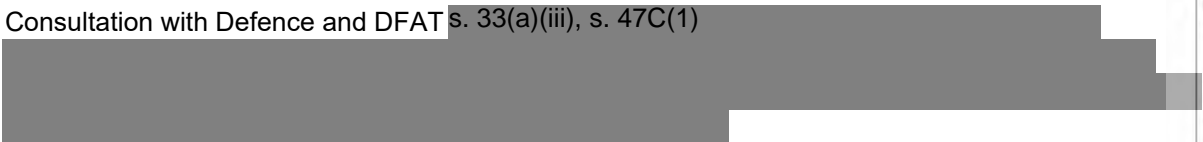
4. Risks and Sensitivities

s. 47C(1)



5. Consultation

Consultation with Defence and DFAT s. 33(a)(iii), s. 47C(1)




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6. Next Steps

By working with DFAT, PM&C, and Defence, the Portfolio will ensure coordinated input into appropriate Cabinet proposals as part of future Pacific funding initiatives.

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



7. Contact Details

Name: Dwayne Freeman – Deputy Commissioner, North, West and Detention

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

Pacific Engagement Visa

1. Summary of Commitment/Issue

You have made an election commitment to boost permanent migration from Pacific countries and Timor-Leste through a new Pacific Engagement Visa to be introduced in July 2023. Up to 3000 visas would be allocated annually by a ballot or lottery process, with applicants being aged between 18 and 45 years, having a job offer in Australia, and some English proficiency, subject to detailed design. This commitment aims to increase people to people links and strengthen relationships with Pacific countries in Australia's national security and foreign policy interests.

2. Current Situation

Between 2011-12 and 2020-21, Australia granted 13,746 permanent and 564,086 temporary visas to people from the Pacific nations. The majority of permanent visas granted were through the Family and Skill migration streams (55 and 39 per cent respectively), predominantly to Fijian citizens.

Further information on your commitments to reform the PALM scheme can be found at [Agriculture Visa](#) and the [Pacific Australia Labour Mobility Scheme](#).

New Zealand offers permanent residency through a ballot system for Pacific peoples through a Pacific Access Category (PAC) Resident Visa for citizens of Kiribati, Tuvalu, Tonga and Fiji, and a Samoan Quota (SQ) visa for Samoan citizens. The Marshall Islands, Federated States of Micronesia and Palau are in 'compacts of free association' with the United States, allowing free movement between the nations.

3. Opportunities and Constraints

Subject to policy authority the Department will commence development of a new permanent Pacific Engagement Visa. s. 47C(1)

s. 47C(1)

In the past 10 years, permanent migration from the Pacific region has been dominated by Fijian nationals (8,179 or approximately 60 per cent of 13,746 visas granted), followed by citizens of Papua New Guinea (21 per cent) and Tonga (9 per cent). s. 47C(1)

s. 47C(1)

s. 47C(1)



4. Risks and Sensitivities

s. 47C(1)



5. Consultation


Relevant Australian Government Departments and Ministers including DFAT, DESE, DITRDC, the Treasury, Finance, DSS, AG's, state and territory governments, Industry, Community Groups, settlement providers. New Zealand Government officials; via DFAT - relevant Pacific Governments.

¹ Treasury, 2021: *The Lifetime Fiscal Impact of the Australian Permanent Migration Program*

² Multicultural NSW: derived from Australian Bureau of Statistics, Census of Population and Housing 2016. Accessed at: <https://multiculturalnsw.id.com.au/multiculturalnsw/ancestry-by-household-size?COIID=120> 11 May 2022.

6. Draft Milestones (to be confirmed with WofG)

s. 47C(1)



7. Next Steps

s. 47C(1)



8. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary Immigration and Settlement Services Group

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

Agriculture Visa and the Pacific Australia Labour Mobility Scheme

1. Summary of Commitment

Your Government has made a commitment that the Australian Agriculture Visa will become an Agriculture visa stream within a reformed Pacific Australia Labour Mobility (PALM) scheme which will allow participants to bring family members to live and work in Australia.

2. Current Situation

2.1. Australian Agriculture Visa

On 30 September 2021, the legislative framework for the Australian Agriculture Visa was established through the Migration Amendment (Australian Agriculture Workers) Regulations 2021.

On 28 March 2022, Australia signed the first bilateral MOU under the Australian Agriculture Visa Program with Vietnam. DFAT negotiates MOUs and advises discussions with Indonesia and Thailand are advanced and that discussions with India have not formally started.

No visa applications or employer sponsorship applications for an Australian Agriculture visa have been lodged.

2.2. PALM scheme

On 4 April 2022, the Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022 came into effect and replaced the Seasonal Worker Program and Pacific Labour Scheme visa streams with one new PALM visa stream.

2.2.1. Permanent Residence Pathway

[REDACTED] see [Pacific Engagement Visa](#).

3. Opportunities

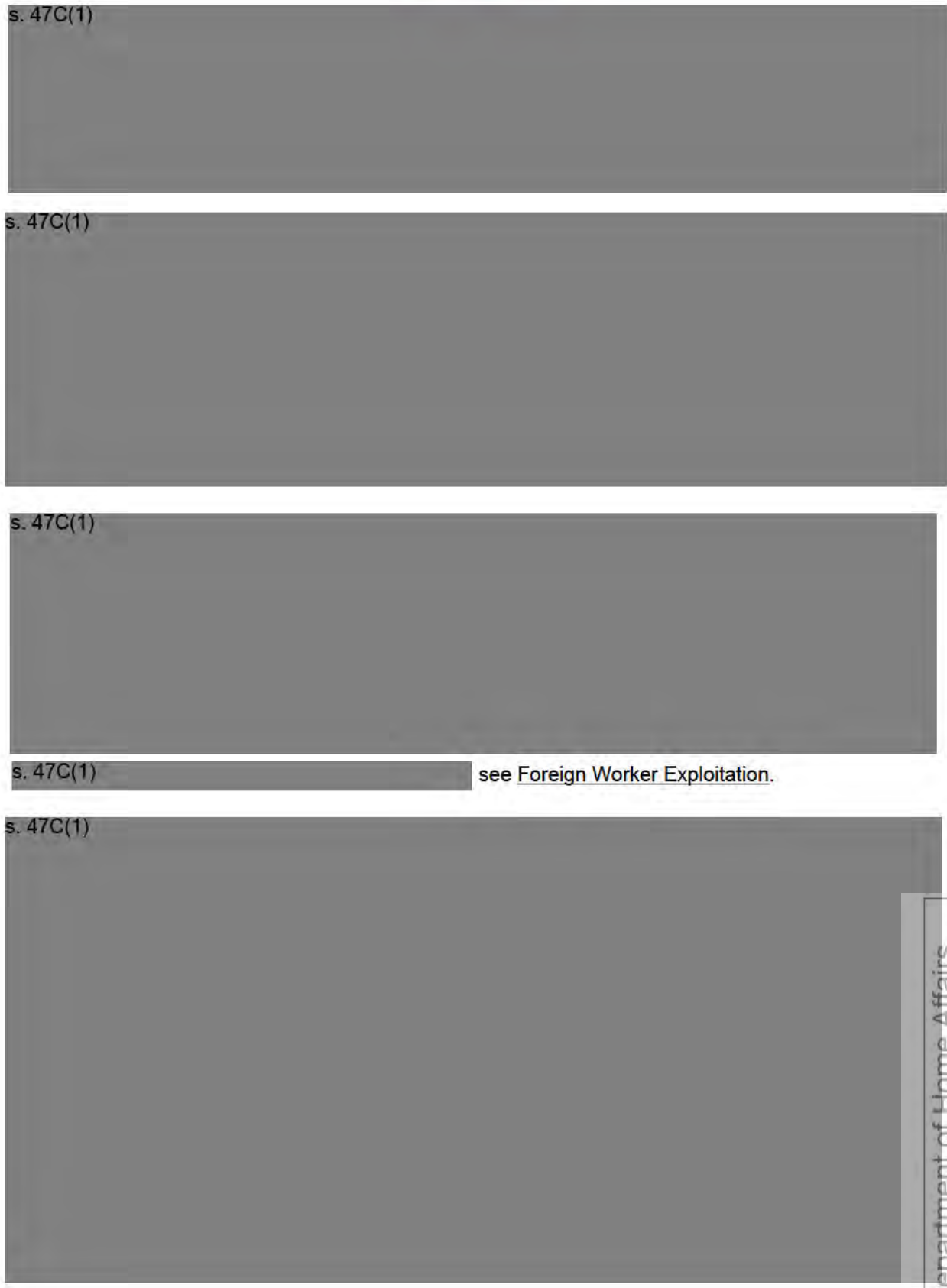
s. 47C(1)

[REDACTED]

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s. 47C(1)



s. 47C(1)

s. 47C(1)

s. 47C(1)

see Foreign Worker Exploitation.

s. 47C(1)

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4. Risks and Sensitivities

s. 47C(1)



s. 33(a)(iii)



5. Consultation

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



6. Milestones

s. 47C(1)



7. Next Steps


s. 47C(1)



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



8. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary, Immigration and Settlement Services

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

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Labour Shortages

1. Summary of Commitment/Issue

Labour shortages due to COVID-19 related border closures coupled with a low unemployment rate of under four per cent are hampering Australia's economic recovery, with Australian businesses continuing to struggle to find staff.

Labour shortages go beyond the high skill roles that the skilled migration program accommodates. Industry also cites shortages in low-skilled occupations, particularly in the care sector, hospitality sector and agriculture sector.

Your Government's migration policy includes utilising overseas nurses to staff aged care facilities, pathways to permanent residence for highly skilled migrants and relocating the Australian Agricultural Worker Visa (AAWV) under the Pacific Australia Labour Mobility (PALM) scheme.

s. 47C(1)

2. Current Situation

Labour market analysis from the National Skills Commission confirms a tightening labour market. Australian and New Zealand Standard Classification of Occupations (ANZSCO) higher skilled (skill Level 1 and 2 in ANZSCO) occupations increased employment through the pandemic, whereas lower skilled (skill level 3–5 in ANZSCO) all decreased.

Through a series of 'COVID-19 concessions', flexibility has been applied to visa settings to maximise the economic contribution of migrants and to seek to retain those currently in the workforce.

s.
47C
(1)

2.1. Student and graduate visas

A number of changes have been made to student and graduate visa settings, many on a temporary basis, to provide employers with greater access to workers.

These include the removal of work restrictions for student visa holders and easier access to Temporary Graduate visa for Vocational Education and Training sector graduates.

s. 47C(1)

2.2. Working Holiday Makers (WHMs)

Measures implemented over the past two years to encourage WHMs to return to or remain in Australia include Visa Application Charge waivers and refunds, the broadening of the "specified work" definition and removal of the limitation on work for one employer for more than six months.

2.3. Temporary Activity (COVID-19 Pandemic event) (subclass 408) visa

Eligibility for the COVID-19 Pandemic event visa was expanded to all sectors in March 2022 for visa holders with work rights, enabling employers to retain staff for a further six to 12 months.

s. 47C(1)

2.4. Skilled Migration Occupation List (SMOL) updates

Skilled Migration Occupation Lists have not been updated since 2019 prior to COVID-19. The tightening labour market and strong future demand for highly skilled roles is s. 47C(1) the number of occupations with a pathway to permanent residence. s. 47C(1)

2.5. Skilling Australians Fund (SAF) and Labour Market Testing (LMT)

The SAF Act requires an independent review of the SAF levy and LMT requirements as soon as practicable after 22 November 2019 and tabled in Parliament within six months of commencement. The Ministerial Advisory Council on Skilled Migration commenced the review in December 2021 and completed it in March 2022. A Ministerial Submission will be provided to you as soon as possible to either table MACSM's review in Parliament before the end of June 2022 or consider other options. The MACSM review will make a series of non-binding recommendations to Government. Industry has raised numerous concerns with current LMT settings, including the policy requirement to advertise on JobActive, the Government funded website.

3. Opportunities and Constraints

s. 47C(1)

3.1. Changes to migration policy

s. 47C(1)

3.2. Aged Care

The Department has been in discussion with representatives from the aged care industry and the Department of Health about a labour agreement to address persistent workforce shortages. s. 47C

s. 47C(1)

While Registered Nurse (Aged Care) is a skilled occupation on the SMOL and eligible for all skilled visas, Personal Care Assistant (where industry advise worker shortages are greatest) is a lower skilled occupation and not eligible for mainstream migration. You have the authority to include Skill Level 4 occupations on the SMOL. The Skilled Migration program has traditionally included higher skilled occupations (Skill Level 1–3) as these migrants make a greater economic contribution to Australia and the risks of worker exploitation are lower.

A number of skilled visa programs require the Department to issue an invitation to selected candidates who have lodged an EOI via the SkillSelect system. Invitations may be targeted at applicants with particular characteristics, for example, applicants with the occupation of Registered Nurse. s. 47C(1)

The Department will initiate the first round for 2022–23 in July 2022. s. 47C(1)

s. 47C(1)

3.3. Labour Market Testing (LMT)

s. 47C(1)

3.4. Visa processing priorities

Skilled visa processing priorities are set according to Government policy priorities in ministerial directions s. 47C(1)

s. 47C(1)

The PMSOL identifies 44 occupations which fill critical skills needs to support Australia's economic recovery from COVID-19 and affords these occupations priority processing s. 47C(1)

3.5. Changes to the AAWV and reforming the PALM Scheme

A separate brief on the AAWV and PALM Scheme has been provided at [Agriculture Visa and Pacific Australia Labour Mobility Scheme](#).

3.6. WHMs / Work and Holiday visas


WHM visas (Working Holiday Maker (subclass 417) and Work and Holiday (subclass 462)) provide a valuable source of labour to Australia. The number of WHM visa holders in Australia fell from over 140,000 in January 2020 to around 22,000 in November 2021 s. 47C(1)

4. Risks and Sensitivities

s. 47C(1)


5. Consultation

s. 47C(1)



6. Milestones

s. 47C(1)



7. Next Steps

s. 47C(1)



8. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary, Immigration and Settlement Services

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

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Foreign Worker Exploitation

1. Summary of Commitment/Issue

Your Government has committed to improving workplace standards by increasing compliance activities and implementing the recommendations of the Migrant Workers' Taskforce.

As part of WofG efforts to combat temporary migrant worker exploitation, the Department (including the ABF) works to deter the misuse of visa programs to exploit migrant workers through initiatives that both promote and help to enforce:

- compliance with visa conditions;
- compliance with employer obligations, where those employers (or third party providers) engage temporary migrant workers.

2. Current Situation

2.1. Legislative frameworks to deter migrant worker exploitation

Under the Migration Act, there are three frameworks to address the misuse of visa programs to exploit migrant workers. These frameworks are outlined at Attachment A.

The Department's compliance frameworks complement the national workplace relations system, which applies, regardless of a person's immigration status. It includes:

- the *Fair Work Act 2009* (Fair Work Act) and the Fair Work Regulations 2009 which establish a safety net of minimum entitlements and conditions of employment for employees in Australia;
- the Fair Work Commission – the independent agency responsible for setting award wages and for ensuring that awards and the national employment standards provided are fair and relevant;
- the Fair Work Ombudsman (FWO) – responsible for advice, education, compliance and enforcement activities under the Fair Work Act.

Changes to the Fair Work Act and the powers of the FWO are led by AGD.

2.2. Enforcement

Compliance and enforcement efforts to uphold the integrity of the frameworks under the Migration Act include:

- maintaining education, communication and outreach activities to increase visa holder, sponsor and employer awareness of their obligations, and support voluntary compliance and self-regulation;
- working collaboratively across government to maximise outcomes; and
- intelligence-led responses to non-compliance, influenced by risk environments, operational priorities and costs.

Compliance and enforcement refers to enforcement activities to combat temporary migrant worker exploitation. The ABF conducts enforcement activities through their Sponsor Monitoring Unit, Field Operations and Investigations teams. Their two operations to combat worker exploitation are:

- Operation BATTENRUN which detects and disrupts labour hire intermediaries and complicit entities (persons of interest, businesses and employers) suspected of employing unlawful non-citizens and lawful non-citizens in breach of work right visa conditions. It targets four high-risk industry sectors: horticulture, meat processing, cleaning and security;
- Operation HURDLER which is a national operation targeting facilitators and complicit businesses coercing seasonal workers to work in breach of visa conditions.

Enforcement statistics are at **Attachment B**.


2.3. Assurance Protocol

In 2017, an Assurance Protocol was established between the Department and the FWO. Under this Protocol, temporary visa holders who have breached a work-related condition of their visa will not have their visa cancelled if they have sought advice or support from the FWO and are helping the FWO with its inquiries; commit to abiding by visa conditions in the future; and there are no other grounds for visa cancellation (such as on national security or fraud). FWO will only refer cases to the Department if the worker provides informed consent. Since its commencement in February 2017 (as at 30 April 2022), 77 migrant workers have been referred under the Assurance Protocol and none of the referrals has resulted in visa cancellation.

3. Opportunities and Constraints

3.1. Migrant Workers' Taskforce and the Protecting Migrant Workers Bill

s. 47C(1)



3.2. Changes to certain visa settings


s. 47C(1)



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3.3. Updating the Migrant Worker and Field Compliance Strategy 2020–2022

s. 47C(1)



4. Risks and Sensitivities

s. 47C(1)



5. Consultation

s. 47C(1)



6. Milestones

s. 47C(1)



7. Next Steps

s. 47C(1)



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8. Attachments

Attachment A – Legislative Frameworks to address migrant worker exploitation (Migration Act)

Attachment B – ABF enforcement outcomes

Attachment C – Migrant Workers' Taskforce recommendations

9. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary, Immigration and Settlement Services

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

Legislative Frameworks to address migrant worker exploitation under the Migration Act

The 'Employer Sanctions' framework focuses on ensuring employers verify the immigration status and work related visa conditions of migrant workers before they employ them – whether directly, or indirectly, through a third party.

The 'Paying for Visa Sponsorship' framework reinforces that it is not acceptable for sponsors, employers, prospective visa applicants, visa holders or other third parties to ask for, or receive payment for visa sponsorship.

The 'Sponsorship Obligations Scheme' and the 'Sponsorship Compliance' framework seek to ensure that the working conditions of sponsored persons meet Australian workplace standards and visa programs are used for their intended purpose.

Under these frameworks, enforcement officers have a range of tools - from education activities and warnings, to infringements, civil penalties, cancellation and barring, and criminal offences - to respond proportionately to cases of non-compliance.

Penalties available to address employer breaches under the Migration Act

Offences		Maximum penalties			
		Criminal	Civil	Infringement	Admin
Employer sanctions*	s245AB—Allowing an unlawful non-citizen to work	<u>Individuals:</u> \$26,640 and/or 2 years imprisonment <u>Bodies corporate:</u> \$133,200	<u>Individuals:</u> \$19,980 <u>Bodies corporate:</u> \$99,900	<u>Individuals:</u> \$3,996 <u>Bodies corporate:</u> \$19,980	Illegal worker warning notice
	s245AC—Allowing a lawful non-citizen to work in breach of a work condition				
	s245AE—Referring an unlawful non-citizen for work				
	s245AEA—Referring a lawful non-citizen for work in breach of a work-related condition				
	s245AD—Aggravated offences if a person allows, or continues to allow, another person to work	<u>Individuals:</u> \$66,600 and/or 5 years imprisonment <u>Bodies corporate:</u> \$333,000			
	s245AEB—Aggravated offences if a person refers another person to a third person for work				
Paying for visa sponsorship	s245AR—Asking for or receiving a benefit in return for the occurrence of a sponsorship related event	<u>Individuals:</u> 2 years imprisonment and/or \$79,920 <u>Bodies corporate:</u> \$399,600	<u>Individuals:</u> \$53,280 <u>Bodies corporate:</u> \$266,400	<u>Individuals:</u> \$10,656 <u>Bodies corporate:</u> \$53,280	Visa cancellation if offender holds a visa or sponsorship cancellation

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	Offences	Maximum penalties			
	s245AS—Offering to provide or providing a benefit in return for the occurrence of a sponsorship related event				/barring for the sponsor
Sponsorship Obligations*	s140K—Sanctions for failing to satisfy sponsorship obligations (Sponsors only)		<u>Individuals:</u> \$13,320 <u>Bodies corporate:</u> \$66,600	<u>Individuals[^]:</u> \$2,664 <u>Bodies corporate[^]:</u> \$13,320 [^] excl. r2.78 & r2.85	Barring (up to 5 years) or cancelling the sponsorship

Attachment B

Enforcement activities

Operation BATTENRUN Activity/Outcome since establishment	08 DEC 2018 – 30 JUN 2019	2019-20 FY	2020-2021 FY	2021-2022 (01 JUL 2021 – 30 APR 2022)	Total
Field activities	94	843	374	83	1,402
Warrants executed	7	72	17	9	105
Non-warrant visits	0	90	26	<5	s. 47F(1)
Employer awareness and education activities	<5	102	124	64	
Bridging visa E Issued	0	43	18	<5	

*Operation BATTLERUN was established on 3 Dec 2018.

Note: Due to rolling COVID-19 lockdowns and restrictions, face-to-face field activities under BATTENRUN have reduced; however, remote employer awareness and education activities have increased, informed by desk-based auditing of previously non-compliant businesses

Field Operations Activity/Outcome	2018-19	2019-20	2020-21	2021-2022 (01 JUL 2021 – 30 APR 2022)
Field Actions	3,586	2,711	2,582	1,454
Illegal Worker Warning Notices	314	184	150	68
Location Events (Involuntary)	2,881	2,231	1,835	1,301
Education Awareness Visits	1,091	585	831	458

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Migrant Workers' Taskforce recommendations

	Recommendation	Responsible agency
1	Establish a WofG mechanism to monitor implementation of the Taskforce recommendations (Rec 1)	Attorney-General's Department
2	Develop a WofG approach to information and education needs of migrant workers (Rec 2)	Fair Work Ombudsman The Department
3	Consider reforms to the Fair Work Act to clarify migrant worker entitlements and deter breaches:	Attorney-General's Department
4	<ul style="list-style-type: none"> Clarify that migrant workers are entitled to the same workplace protections (Rec 3) 	
5	<ul style="list-style-type: none"> Prohibit advertising illegal pay rates (Rec 4) 	
6	<ul style="list-style-type: none"> Increase penalties for wage exploitation (Rec 5) 	
11	<ul style="list-style-type: none"> Introduce criminal sanctions for the most serious forms of exploitative conduct (Rec 6) 	
7	Consider reforms to the Fair Work Act to enforce workplace laws, including addressing underpayment, of migrant workers:	Attorney-General's Department
8	<ul style="list-style-type: none"> Introduce additional avenues to hold individuals and businesses to account (accessorial liability and compliance partnership deeds) (Rec 11) 	
9	<ul style="list-style-type: none"> Provide powers to the courts to make more types of enforcement orders (Rec 7) 	
10	<ul style="list-style-type: none"> Adopt model provisions for enforcement tools (enforceable undertakings and injunctions) (Rec 8) 	
12	Expand the FWO's information gathering powers (Rec 9)	Attorney-General's Department
13	Review FWO resourcing, tools and powers (Rec 10)	
14	Assist migrant workers to access entitlements, including unpaid wages:	Attorney-General's Department
15	<ul style="list-style-type: none"> Review the small claims process (Rec 12) 	
16	<ul style="list-style-type: none"> Expand the Fair Entitlements Guarantee to migrant workers (Rec 13) 	Attorney-General's Department
17	Establish a National Labour Hire Registration Scheme (Rec 14)	
18	Improve the assistance provided by education providers to international students through:	
19	<ul style="list-style-type: none"> education providers raising awareness of workplace rights (Rec 15) 	Department of Education, Skills and Employment
20	<ul style="list-style-type: none"> education providers providing assistance for international students in dealing with workplace issues (Rec 16) 	
21	<ul style="list-style-type: none"> developing best practice guidelines for education providers (Rec 17) 	
22	Consider accommodation exploitation of migrant workers, particularly WHMs, through Commonwealth, state and territory government discussions (Rec 18)	Attorney-General's Department

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	Recommendation	Responsible agency
19	Consider protections within visa frameworks:	The Department Fair Work Ombudsman (Rec 21)
20	<ul style="list-style-type: none"> Create offences for persons influencing migrants to commit visa breaches (Rec 19) 	
21	<ul style="list-style-type: none"> Explore mechanisms to exclude convicted employers from employing visa holders (Rec 20) Review the FWO and the Department's Assurance Protocol (Rec 21) 	
22	Improve data on migrant worker exploitation:	Attorney-General's Department (Rec 22) Department of Education, Skills and Employment (Rec 22(a), (b)) Department of Agriculture, Water and the Environment (Rec 22(c))
22(a)	<ul style="list-style-type: none"> Build an evidence base on issues affecting migrant workers (Rec 22) Identify mechanisms for education providers to collect data about student visa holders' workplace experiences (Rec 22(a)) 	
22(b)	<ul style="list-style-type: none"> Conduct regular surveys of overseas students that include workplace experience (Rec 22(b)) 	
22(c)	<ul style="list-style-type: none"> Support ABARES agriculture labour data collection work (Rec 22(c)) 	

Urgent Immigration Cases

1. Summary of Commitment/Issue

The Murugappan family (otherwise known as the Biloela family) has attracted significant media attention and public support. Their case is part of a sub-cohort of 2,290 finally determined UMAs whose temporary visa applications were either refused, cancelled, or not subject to any ongoing judicial review processes. Your Government indicated it would seek to make an immediate decision to see the Murugappan family return to their former town of residence in Biloela, Queensland. The Treasurer and Minister administering the Department of Home Affairs made a decision on 27 May 2022 to effect this decision.

2. Current Situation

2.1. Background

The Murugappan family consists of:

- Mr Nadeshalingam MURUGAPPAN s. 47F(1)
- Ms Kokila Pathmapriya NADARAJA s. 47F(1)
- Miss Kopika NADESALINGAM s. 47F(1) and
- Miss Tharnicaa NADESALINGAM s. 47F(1)

Mr Murugappan and Ms Nadaraja, both Sri Lankan nationals, arrived in Australia as UMAs in April 2012 and April 2013 respectively. s. 47F(1)

Protection claims raised by the couple and their eldest daughter have been considered by the Department and various merits review bodies, all of whom have concluded that they do not engage Australia's protection obligations. Applications seeking judicial review of those decisions have all been dismissed by the Federal Circuit Court, the Federal Court and the High Court, and as a result, the couple and their eldest daughter are considered finally determined in regards to their protection claims. However, the Department acknowledges that Miss Tharnicaa's protection claims have not been assessed under a statutory process as her purported application for a Safe Haven Enterprise visa (SHEV) on 13 September 2019 was deemed invalid by operation of section 46A of the Migration Act. Miss Tharnicaa challenged this finding. However, the Federal Court, Full Federal Court (FFC) and ultimately the High Court dismissed her applications for judicial review.

s. 47F(1), s. 47C(1)

2.2. Ministerial intervention powers

Ministerial Intervention powers are personal, non-compellable, non-delegable and may be exercised by you if you believe it is in the public interest to do so. The exercise of these powers involves a two-stage process, although those processes may be combined for efficiency if you prefer. First you

may consider exercising a power, then, if that first step is taken, you may decide whether or not to exercise the power. You are not compelled to take either step, nor does either step attract procedural fairness obligations. Furthermore, what is in the public interest is a matter for you to determine. There are a number of Ministerial Intervention powers that have been used s. 47C(1)

, including:

- section 46A(2) of the Migration Act which provides you with the power to lift the section 46A bar which ordinarily operates to prevent an IMA who is in Australia, and is either an unlawful non-citizen or holds a prescribed temporary visa, from making a valid visa application;
- section 48B of the Migration Act which provides you with the power to lift the section 48A bar which ordinarily operates to prevent a non-citizen who has been refused a protection visa application from making a further valid protection visa application;
- section 195A of the Migration Act which provides you with the power to grant a visa to a person in immigration detention, if you think it is in the public interest to do so; and
- section 197AB the Migration Act provides you with the power to make a residence determination (community detention) to allow a person in held immigration detention to reside in the Australian community.

2.3. Ongoing immigration s. 47F(1)

On 16 February 2021, the FFC confirmed the Federal Court's earlier findings that Miss Tharnicaa's September 2019 SHEV application was invalid as it did not meet the criteria set out in a 2017 Determination made by the then Minister for Immigration and Border Protection, and that on the evidence, the then Minister for Immigration, Citizenship and Multicultural Affairs had taken the first procedural step in the consideration of whether to exercise the section 46A/48B intervention powers. s. 47C(1)

2.4. Decision made by the Treasurer

Until 27 May 2022, the youngest daughter, Miss Tharnicaa, was under a residence determination arrangement and had to reside at a specified address in Perth, Western Australia. The other three family members had been granted Bridging E (subclass 050) visas (BVEs) that included a condition that they must reside at the same address specified in Miss Tharnicaa's residence determination arrangement – condition 8505 (must reside at address specified).

On 27 May 2022, the Treasurer and Minister administering the Department of Home Affairs, the Hon Dr Jim Chalmers MP, intervened using the Ministerial Intervention power under section 195A of the Migration Act to grant a BVE to Miss Tharnicaa, who was in a residence determination arrangement and detained under section 189 of the Migration Act; and granted new BVEs to the other three family members, without condition 8505 (must reside at address specified) imposed. This allowed all members of the family to reside anywhere in Australia.

The Department has provided the family short-term support under the Status Resolution Support Services program. Support will include transit assistance for travel from their current to their proposed place of residence, and transitional accommodation for up to four weeks in Biloela, noting the family may choose to reside with one of their community link support persons instead. All family members will be eligible for Medicare for the duration of their BVEs and will have work rights permitting adult family members to support themselves and their family. The children would have access to school education.

3. Opportunities and Constraints

s. 47C(1)




3.2. Key constraints

s. 47C(1)



3.3. Related issues - removal from Australia

The Migration Act establishes the framework under which people who have no lawful basis to remain in Australia must depart s. 47C(1), s. 47F(1)



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4. Risks and Sensitivities

The Murugappan family's case has attracted significant media attention and public support s.

47F

s. 47C(1)

5. Consultation

s. 47C(1)

6. Milestones

s. 47C(1)

7. Next Steps

See timing above.

8. Contact Details

Name: Cheryl-anne Moy – Deputy Secretary, Immigration and Settlement Services

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Status Resolution and Cancellation

1. Summary of Commitment/Issue

Your Government has indicated it would strive to reduce the time people spend in held immigration detention, including removal through third country removal options, and adjust character cancellation settings for New Zealand citizens.

2. Current Situation

In recent years, the proportion of high-risk detainees in immigration detention has increased. As at 30 April 2022, approximately 89 per cent of detainees had a criminal history and approximately 60 per cent had their visa cancelled under section 501 of the Migration Act. This is outlined further in Immigration Detention.

The Migration Act establishes the framework under which people who have no lawful basis to remain in Australia must depart. When a person has no pathway to remain in Australia, the Department seeks to return or remove them to their country of origin or a safe third country to which the person has right of entry and long-term stay. However, there are a range of status resolution barriers that limit the Department's ability to effect return or removal in all cases.

As a result, the Department is managing an intractable caseload of individuals who have been detained or are at risk of being detained for prolonged periods. As at 30 April 2022, approximately 41 per cent of the detention population were long-term detainees (that is, detained for more than two years). Almost a third of long-term detainees had been detained for more than five years. As at April 2022, the average length of time in detention for all individuals was 726 days. Many of these individuals do not satisfy the character requirements to be granted a visa.

There is also a small cohort of finally determined intractable cases, individuals who have been assessed as engaging Australia's *non-refoulement* obligations (that is, to not be returned to face certain types of harm) in relation to their receiving country (country of nationality or former habitual residence) but remain in held detention due to having a visa cancelled or refused on character grounds, where the Department and ABF must explore third country options to affect their removal.

s. 47C(1)

3. Opportunities and Constraints

3.1. Status resolution barriers

s. 47C(1)

In many cases however, individuals whose removal is not reasonably practicable, immediately or in the near term, cannot be placed outside held detention without Ministerial intervention under section 195A (to grant a visa) or section 197AB (to make a residence determination, ie, community detention) of the Migration Act.

s. 47C(1)

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s. 47C(1)

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Non-citizens whose visas have been cancelled on character grounds and are pursuing protracted review processes constitute a large part of the high-risk and long-term cohorts in immigration detention. s. 47C(1)

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s. 47C(1)

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3.4 Options to modify application of visa cancellation settings for New Zealand citizens long-term resident in Australia

Your Government has indicated it would work with the New Zealand Government on the issue of return of New Zealand citizens who visas have been cancelled on character grounds and who have been long term resident in Australia under the Trans-Tasman Partnership arrangement, some of whom have few remaining family connections in New Zealand.


s. 47C(1)



4. Risks and Sensitivities


Immigration detention is subject to considerable scrutiny by the Commonwealth Ombudsman, Australian Human Rights Commission, Australian Red Cross and other human rights advocacy bodies, both domestic and international.

s. 47C(1)



5. Consultation

s. 47C(1)



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6. Milestones

s. 47C(1)



7. Next Steps

s. 47C(1)



8. Contact Details

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Ukraine

1. Summary of Commitment/Issue

The Portfolio has responded to the Russian invasion of Ukraine across multiple priorities, including international coordination, cybersecurity and critical infrastructure protection, sanctions enforcement, foreign fighters threat mitigation, social cohesion, visa and immigration measures and humanitarian response.

The former Government has made available a Temporary Humanitarian Concern (THC) visa for all Ukrainian nationals who are in Australia on temporary visas and those who are arriving.

2. Current Situation

Russia invaded Ukraine on 24 February 2022. Australia has strongly and publicly condemned Russia's actions and joined international partners in providing a range of financial and non-financial support to Ukraine and imposed targeted financial sanctions and travel bans on specific individuals for their role in Russia's invasion of Ukraine, as well as targeted financial sanctions on Russian state-owned enterprises.

2.1. International coordination

The Department has taken steps to ensure engagement with Russia and Belarus via multilateral fora aligns with the WofG approach led by DFAT.

On 4 March 2022, the Financial Action Task Force (the intergovernmental policy and standards setting body for combatting money laundering, terrorism financing and proliferation financing) issued a public statement condemning the Russian Government's invasion of Ukraine and its effect on global money laundering, terrorism financing and proliferation financing risks, as well as deep sorrow for the loss of life in Ukraine. s. 33(a)(iii)

The Department and AUSTRAC represent Australia at the Russian, Elites, Proxies and Oligarchs Task Force (REPO Task Force). AUSTRAC is a member of the Russian-Related Illicit Finance and Sanctions Financial Intelligence Unit Working Group, which brings together Australia, Canada, New Zealand, United Kingdom and United States, European Union and G7 financial intelligence units to coordinate sanctions and asset recovery in support of WofG activities.

s. 47C(1)

2.3. Sanctions enforcement

Portfolio agencies continue to work closely across Commonwealth agencies, the financial sector, and with like-minded nations in support of WofG activities in response to sanctions enforcement.

The Department leads and coordinates Australia's WofG engagement and participation within the REPO Task Force. The Minister for Home Affairs is the Ministerial representative for the REPO Task Force. As a member of the REPO Task Force, Australia has jointly committed to prioritising resources and working together to take all available legal steps to find, restrain, freeze, seize, and where appropriate, confiscate or forfeit the assets of those individuals and entities that have been sanctioned in connection with Russia.

2.4. Foreign fighters

s. 33(a)(i) [REDACTED] . Portfolio agencies continue to work closely to monitor for indications of individuals who may be interested in travelling to Ukraine or Russia to engage in hostilities, including in response to Ukraine's 27 February 2022 call for foreign nationals to join the 'International Legion of Territory Defense' s. 47C(1) [REDACTED]

Australian law prohibits Australian citizens, residents and holders of Australian visas from engaging in hostile activities overseas (including intending to, or preparing for, such activities), unless serving in, or with, the armed forces of a foreign country. s. 47C(1) [REDACTED]

2.5. Social cohesion

The Department continues to engage with Ukrainian–Australian and Russian–Australian communities in relation to the war in Ukraine, and to monitor for any emerging domestic tensions that could affect social cohesion within and between both communities and the wider Australian community.

s. 47C(1) [REDACTED]

2.6. Visa and immigration measures.

The Department continues to prioritise Ukraine visa processing. Since 23 February 2022, more than 7,400 non-humanitarian visas have been granted to Ukrainians declared as in Ukraine. Over 2,800 of these visa holders have since arrived in Australia.

2.7. Humanitarian response

On 20 March 2022, THC (subclass 786) visas were made available to all Ukrainian temporary visa holders currently in Australia, and those who may arrive in the coming months as a result of the crisis in Ukraine.

There is no visa application process or application fees associated with the THC visa. This visa will be granted through a two-step process: first step is to grant a Temporary Humanitarian Stay (THS) visa, followed by the grant of a THC visa. Ukrainian nationals who wish to take up this offer have been asked to provide some basic information via a form that is available on the Department's website. The visa will be valid for three years and allow people to work, study and access Medicare. As at 23 May 2022, over 3,000 Ukrainian nationals have taken up the offer of the THC visa. More than 2,200 Ukrainian nationals have been granted the THS visa and 16 Ukrainian nationals have been granted THC visas.

Additionally, under the Ukrainian Community and Settlement Support program, close to \$0.5 million in grant funding has been provided to assist with the settlement of newly arrived Ukrainian humanitarian entrants into Australia. This is comprised of:

- \$450,000 to the Australian Federation of Ukrainian Organisations to cover staffing costs (for settlement support and community engagement) as well as some project and activity costs; and
- \$35,000 to Migration Council Australia to administer the grant on behalf of the Government and provide support to the Australian Federation of Ukrainian Organisations and build the capacity of its member organisations based around Australia.

The Australian Federation of Ukrainian Organisations is a national body comprising 22 Ukrainian organisations across Australia, including churches, state community organisations, women's, youth and cultural organisations. The grant funding will enable the Australian Federation of Ukrainian Organisations to address critical settlement and integration needs that cannot be met through the Government's existing settlement support programs.

Ukrainian nationals will be eligible for free English language tuition, full settlement support under the Government-funded Humanitarian Settlement Program, as well as torture and trauma counselling.

s. 47C(1)

s. 47C(1)

2.8. Assistance to Ukrainian authorities

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


3. Opportunities and Constraints

The Russian invasion of Ukraine has driven an impetus for broader and deeper international collaboration and coordination on critical infrastructure protection, cybersecurity, countering foreign interference, countering state-sponsored information operations, and countering foreign interference strategic communications initiatives.

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

4. Risks and Sensitivities

s. 33(a)(i)



5. Consultation

Portfolio agencies work closely with: relevant Government departments and portfolios, primarily DFAT and Defence portfolios; international partners; state and territory government agencies responsible for health and community services; community groups and non-government organisations; and industry, including critical infrastructure owners and operators.

6. Next Steps

s. 47C(1)



7. Contact Details

Name: Marc Ablong PSM – Deputy Secretary, Strategy and National Resilience

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s. 33(a)(i)

Australians in Syrian Internally Displaced Persons camps

1. Summary of Commitment/Issue

There is a number of Australian and Australia-linked women who engaged with, or intended to engage with, terrorist activities now in Internally Displaced Person (IDP) camps in northeast Syria. There is also a number of children who travelled with the women or were born in Syria who assert rights to Australian citizenship by descent.

2. Current Situation

There are at least s. 47E(d) women currently in IDP camps who have fought with, or were otherwise associated with s. 33(a)(i). They are accompanied by approximately 50 Australian or claimed Australia-linked children.

Government agencies continue to monitor the welfare of the women and children with the assistance of family members in Australia, and humanitarian partners such as Save the Children and the International Committee of the Red Crescent. Australia does not have an embassy in Syria and the security conditions severely limit Australian officials' ability to provide consular assistance.

The protection of the Australian community is the overriding priority in the management of Australia-linked individuals in the IDP camps. s. 47E(d)

defines principles, outlines operational options and provides guidance for management and return of individuals, including the use of Temporary Exclusion Orders (TEOs) and Return Permits, which allow individuals to be excluded from return to Australia for up to two years and for conditions to be placed on their return.


TEOs and Return Permits require the approval of the Minister for Home Affairs under the *Counter-Terrorism (Temporary Exclusion Orders) Act 2019*.

In 2019, Australia repatriated a number of unaccompanied minors from the IDP camps.

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

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



3. Opportunities and Constraints

s. 47C(1)



Criticism from a number of UN bodies and other non-government organisations continues to be levelled at Australia and other countries for not taking more active steps to repatriate children.


s. 47C(1)




s. 33(a)(iii)

s. 33(a)(iii)

s. 47C(1)



s. 47E(d), s. 47C(1)



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3.3. Risks and Sensitivities

s. 47C(1)

4. Consultation

The Department leads WofG coordination for the management of Australia-linked foreign terrorist fighters and their families in consultation with relevant Commonwealth agencies and the receiving states and territories.

5. Contact Details

Name: Andrew Kefford PSM – Deputy Secretary, Commonwealth Counter-Terrorism Coordinator

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Ideologically Motivated Violent Extremism

1. Summary of Commitment/Issue

Ideologically Motivated Violent Extremism (IMVE), including Nationalist and Racist Violent Extremism (NRVE), Right Wing Extremism (XRW) and single issue violent extremism, continue to receive significant and growing attention from security agencies s. 47E(d)

The threat is further complicated by the increasing number of minors s. 47F(1) who are radicalising, being charged with terrorism offences, or participating in violent extremist groups.

2. Current Situation

2.1. Counter-terrorism legal framework

A range of Commonwealth legislative and operational measures are in place to respond to IMVE, including the threat from NRVE groups. Since January 2020, 48 people have been charged with a variety of criminal offences, including terrorist offences, as a result of 31 Joint Counter-Terrorism Taskforce operations. Of those, 12 individuals had an IMVE ideology. Other recent activity includes:

- the conviction (December 2019) and sentencing (November 2020) of an individual to 12 years imprisonment for acts in preparation for, or planning, a terrorist act
- the cancellation of an Australian's passport, preventing the individual from leaving the country to fight with an IMVE group on a foreign battlefield (early 2020), and
- the listing of IMVE groups under the Criminal Code: Sonnenkrieg Division, The Base and National Socialist Order.

2.2 Terrorist organisation listings

Australia's terrorist organisation listing regime provides a mechanism for the Government to proscribe terrorist organisations under Australian law. For an organisation to be listed as a terrorist organisation by the Governor-General, the Minister for Home Affairs must be satisfied on reasonable grounds that the group is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act.

With the exception of terrorism association offences, it is not, however, necessary for an individual or group to be listed for them to be charged with terrorism offences.

The Department, which leads the inter-agency listing process through the Counter-Terrorism Coordination Centre, considers a range of non-legislative factors to prioritise organisations for consideration (in addition to the legislative requirements), including:

- the organisation's links to Australia,
- threats to Australian interests,
- links to other terrorist groups,
- listing by the United Nations or like-minded countries, and
- the organisation's ideology and engagement in peace processes.

The current legislative framework does not provide for the listing of an individual or loosely-affiliated group that cannot be defined as an 'organisation'. It does not contain provisions explicitly dealing with glorification or promotion of terrorist acts or ideologies.

2.3 Nationally consistent approach to countering violent extremism (CVE)

Australia's CVE framework and initiatives are designed to address all forms of violent extremism, whether religiously or ideologically motivated. This framework includes:

- the national intervention program, *Living Safe Together* (36.5 per cent of participants as at 31 January 2022 were identified as IMVE adherents)
- online efforts to identify and counter the circulation of violent extremist content, including IMVE content (e.g. through engagement with social media companies on requesting takedown of material or imposition of legal requirements to do so in certain circumstances)
- national capability development through the Countering Violent Extremism Sub-Committee of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC), including funding for IMVE-focused research and training, and
- initiatives to raise awareness among front-line workers and communities on the signs of radicalisation, including in individuals at risk of IMVE, and referral pathways for CVE intervention – including in the prison environment.


The Department received \$61.7 million in the 2021–22 MYEFO to support CVE programs, including initiatives to raise community awareness and expand service provision in rural and regional Australia (to address the increased prevalence of IMVE outside of urban centres), as well as further research, training and strategic communications activities.

2.4 Radicalisation of minors

In response to increasing numbers of young Australians becoming radicalised to violent extremist ideologies, including NRVE and single issue violent extremism, the Department is expanding capabilities in the following areas:

- engagement with education, health, human services and community sectors to increase awareness of youth radicalisation, and support disengagement through the expanded Living Safe Together program, particularly in rural and regional Australia
- community-based youth engagement through a CVE Community Grants Program
- prioritisation of research into youth radicalisation under a CVE Centre of Excellence for Research, Risk Assessment and Training, and
- online strategic communications and youth engagement initiatives to improve youth digital literacy and contest, and undermine online extremist narratives.

s. 33(a)(i)



2.5 Australia's international cooperation

Australia is a founding supporter of the Christchurch Call to Action. Following the Christchurch attack, we have partnered with digital platforms and internet service providers to form a Taskforce to Combat Terrorist and Extreme Violent Material Online (the Taskforce). The Taskforce recommended industry and the Australian Government take 30 actions under five streams of activity: prevention; detection and removal; transparency; deterrence; and capacity building. All recommendations from the Taskforce have been implemented and the Department is setting up a new digital industry stakeholder forum to further enhance collaboration to combat online terrorism and violent extremism.

The Department works in close collaboration with partner governments, digital industry and civil society groups to embed consistent and common protocols across platforms to ensure the effective detection and removal of terrorist and extremist content online, including XRW content online. Australia is currently a member of three out of the five working groups under the Global Internet Forum to Counter Terrorism (GIFCT), the main international industry stakeholder forum. The Department has also worked closely with New Zealand and the jurisdictions through the ANZCTC to address the threat posed by IMVE, substantially refocusing the work of the ANZCTC, including in relation to the capability of law enforcement to detect, investigate and disrupt NRVE activities.

s. 47C(1)



The Department also works closely with like-minded international partners to share CVE expertise and best practice, including on responses to NRVE. This includes engagement through multilateral forums such as the Five Country Ministerial CVE Working Group and the Global Counterterrorism Forum CVE Working Group.

The Department undertakes a range of strategic communications activities to counter and contest the appeal of XRW and other violent extremist narratives and propaganda online. This includes:

- events for young Australians focused on building awareness of online extremism, developing critical thinking and encouraging the development of practical solutions to address online hate, extremism and radicalisation, and
- an ongoing, dedicated strategic communications program to counter the appeal of IMVE, called *Fearlessly Australian*.

Fearlessly Australian was launched on 20 September 2021. It is an online platform consisting of a website, podcast/vodcast series and social media channels, including Instagram, Facebook and YouTube. *Fearlessly Australian* is designed to engage young Australian men who are deemed to be 'at risk' or vulnerable to IMVE narratives but who are not yet fully engaging with extremist ideologies. The platform aims to address risk factors for violent extremism and strengthen protective factors against it, by hosting role models who deliver frank and constructive insights into dealing with change and adversity, and promote a socially cohesive community.

3. Opportunities and Constraints


In the 2021–22 MYEFO, the Department received \$61.7 million comprising:

- \$24.5 million to expand CVE intervention activities under *Living Safe Together*,
- \$4.7 million to extend CVE strategic communications (e.g. *Fearlessly Australian*),
- \$13.8 million to establish a national high risk CVE program to rehabilitate and reintegrate violent extremists in custody or in the community (including High Risk Terrorist Offenders (HRTTO) and those who have returned to Australia from overseas conflict zones),
- \$10.7 million to establish a new CVE Grants Program that will increase awareness and build community resilience to violent extremism, and
- \$8 million to establish a CVE Centre of Excellence within the Department to drive research, improve risk assessment capabilities and deliver nationally consistent CVE training.

s. 47C(1)




s. 47C(1), s. 47E(d)




The Department will lead the finalisation of the response to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) inquiry into *Extremist Movements and Radicalism in Australia* (finalisation of which was recommended by the PJCIS in its report of 31 March 2022) – including in relation to possession and display of extremist (including Nazi) flags and insignia.

s. 47C(1)



s. 47C(1)



4. Risks and Sensitivities

s. 47C(1)



5. Consultation

s. 47C(1)



6. Contact Details

Name: Andrew Kefford PSM – Deputy Secretary, Commonwealth Counter-Terrorism Coordinator

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

COVID-19 pandemic and post-pandemic measures

1. Summary of Issue

International border restrictions have played a key role in the COVID-19 public health response in Australia. Restrictions were imposed through a combination of international passenger caps, health-related entry requirements under the *Biosecurity Act 2015* (Biosecurity Act), and a travel exemptions process administered by the Department. s. 47C(1)

. The ability to effectively manage the flow of people across the international border during the COVID-19 pandemic was key to ensuring that quarantine capacity was not overwhelmed. s. 47C(1)

2. Current Situation

2.1. International border restrictions

In response to the emergence of the COVID-19 pandemic, Australia introduced international border restrictions in March 2020. Since then, the Health Minister has used a combination of emergency and non-emergency powers under the Biosecurity Act to prescribe health-related entry requirements (such as vaccination status) for all individuals, and in relation to the operation of aircraft or vessels entering or leaving Australia. Measures used are summarised at [Attachment A](#).

A travel exemption process enabling the ABF Commissioner and delegates to grant individual exemptions from Australia's travel restrictions was established on 20 March 2020. Automatic travel exemption categories were established to prioritise key cohorts. From July 2020, passenger caps were introduced under the Air Navigation Regulations 2016 to limit the number of passengers permitted to arrive into individual airports, proportionate to quarantine capacity in the relevant state or territory. The ABF has undertaken a compliance and assurance program at the border to ensure that passengers meet border entry requirements, including considering visa holders for visa cancellation if vaccination requirements are not met.

2.2. Safe, phased reopening of the international border

On 6 August 2021, Australia's National Cabinet agreed to a four-step plan to transition Australia's National COVID-19 Response (the National Plan). The National Plan provided a graduated pathway to transition Australia's COVID-19 response from pre-vaccination settings focused on continued suppression of community transmission, to post-vaccination settings focused on prevention of serious illness and fatalities.

Since November 2021, international border restrictions due to COVID-19 have been gradually eased, with the Portfolio playing a key role in staging the reopening to certain cohorts and visa subclasses in phases.

On 17 April 2022, the Biosecurity Emergency Declaration and associated determinations relating to COVID-19 lapsed and were not renewed. This allowed for the further relaxation of international border restrictions, including removal of the outward travel ban on unvaccinated Australian citizens and

permanent residents, and removal of the ban on cruise ship operations. Inbound travellers no longer have to provide a negative COVID-19 test result at check-in.

2.3. Removal of remaining international border restrictions

Consistent with the National Plan, the next stage of reopening includes the removal of the remaining COVID-19 related border measures and travel restrictions. Measures that remain are:

- the inbound travel exemptions regime for unvaccinated visa holders (administered by the Department);
- international passenger caps for states that still require unvaccinated travellers to quarantine on arrival (administered by DITRDC, currently only remain in place in Western Australia (WA), based on WA's requirement that unvaccinated arrivals are required to go into managed quarantine. WA has indicated it will be reviewing its quarantine arrangements by the end of May 2022, which will provide a further impetus for removing remaining border restrictions);
- Biosecurity Determinations (administered by Health):
 - declaration of vaccination status pre-border, declaration of 14-day travel history (both implemented by the Department, enforced by ABF), mask wearing on international flights; and
 - the obligation on outbound passengers to show proof of vaccination status to an official, if requested (Health administered).

2.4. Travel exemptions regime

The only COVID-19 border measure for which you own policy responsibility is the inbound travel exemptions regime, which is a policy-based measure, applying to temporary visa holders who do not meet the requirements of 'fully vaccinated' or do not have suitable evidence of a medical contraindication to vaccination.

Under the inbound travel exemptions regime, unvaccinated non-citizen arrivals must obtain an exemption to travel to Australia. The inbound travel exemptions regime has been enforced through the possibility of visa cancellation on health grounds (that is, where the visa holder's presence in Australia may be a risk to health of the Australian community) for individuals who do not comply with the Commonwealth's vaccination policy. The number of inward travel exemptions requests received has dropped to under 200 per week, from a peak of over 20,000 requests received per week during November 2021.

s. 47C(1)

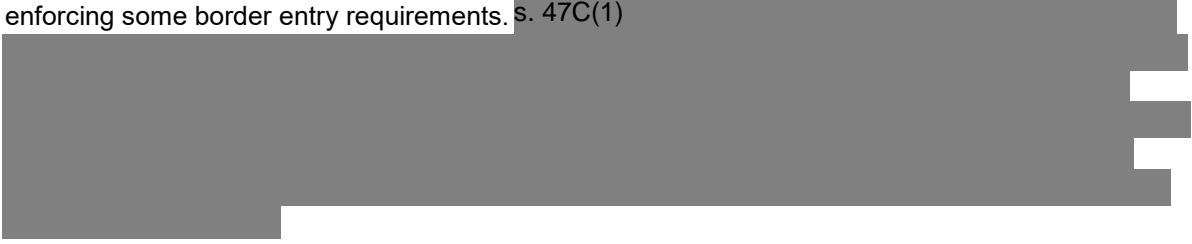


2.5. Passenger caps

This border measure is owned by the Minister for Infrastructure, Transport and Regional Development. Passenger caps are designed to limit the number of passengers permitted to arrive into respective states and territories, based on available quarantine capacity in the relevant state or territory. The Minister for Infrastructure, Transport and Regional Development implements the caps through the Air Navigation Regulation 2016, which allows approval of services subject to conditions, including with regard to the number of passengers carried, if it is in the public interest to do so. The legal basis for passenger caps will cease when states and territories no longer have quarantine requirements.

2.6. Entry and Exit requirements under the Biosecurity Act

These border measures are owned by the Minister for Health and Aged Care. The ABF has a role enforcing some border entry requirements. s. 47C(1)

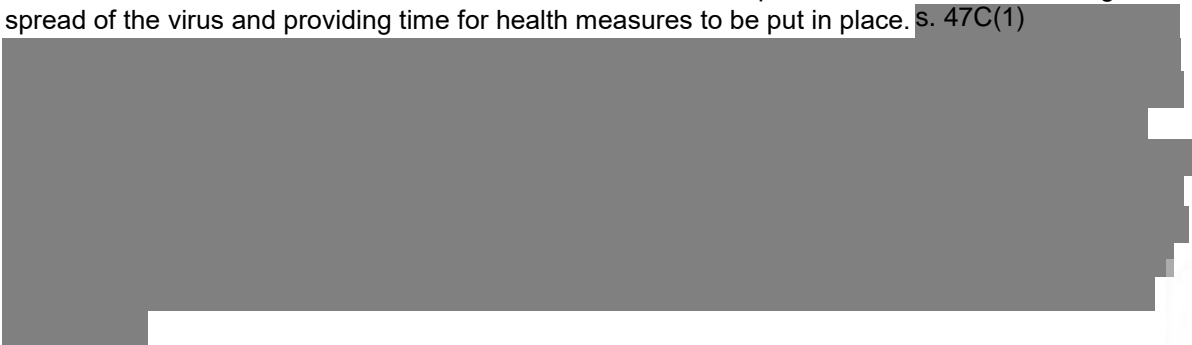


2.7. The return of international cruising

International cruise ships are returning to Australian waters following the lifting of the cruise ship ban, with domestic cruises expected to gradually recommence over the next few months. International cruise ships are not expected to travel to Australia carrying international passengers until September 2022. If vaccination status is still imposed as an entry requirement at that time, the Maritime Travel Declaration is ready to collect that information from passengers. As per the findings of the Ruby Princess Inquiry, the Department of Agriculture, Water and the Environment (DAWE) and the Department of Health are responsible for human biosecurity under the Biosecurity Act (and therefore outbreak management which is further delegated to states and territories), while the ABF are responsible for the processing of international arrivals across the border.

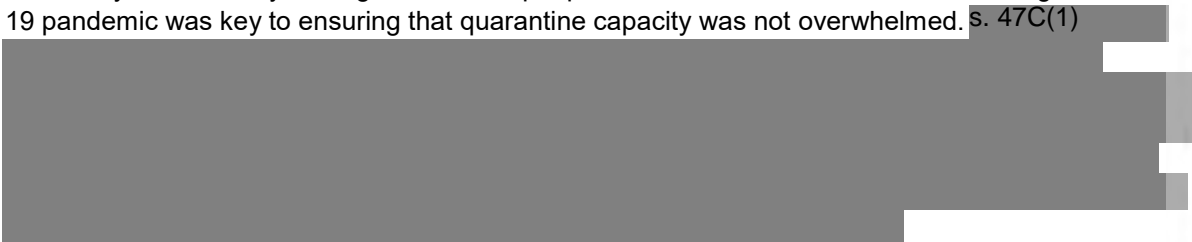
2.8. s. 47C(1)

The introduction of border controls was central to Australia's response to COVID-19 in slowing the spread of the virus and providing time for health measures to be put in place. s. 47C(1)




2.9. Reflections on and status of COVID-19 Quarantine


The ability to effectively manage the flow of people across the international border during the COVID-19 pandemic was key to ensuring that quarantine capacity was not overwhelmed. s. 47C(1)



Australia's approach to border management during the pandemic has been the subject of numerous inquiries, including by the Senate Select Committee on COVID-19, all of which have identified options for improvement s. 47C(1)



s. 47C(1)



3. Risks and Sensitivities

3.1. Shared responsibilities across Government

COVID-19 related health measures that remain in place are all based on health advice and require decisions by the Minister for Health in consultation with yourself; with implications for the Department. There is a need for clear and consistent whole of government communication in relation to international border arrangements, and the Department plays a key role in ensuring that international travellers understand the requirements that apply, particularly in the context of the ABF's role in enforcing those requirements.

Noting Australia's high vaccination rate and the current rate of COVID-19 circulating in the Australian community, the Department understands the current Health advice is that the potential impact of unvaccinated travellers developing severe disease and creating additional pressure on the health system is no longer likely to be a material issue in Australia. The Department understands the Australian health system continues to demonstrate resilience and is unlikely to be substantially influenced by overseas arrivals.

3.2. International context

There are still a range of international border and transit restrictions in place in other countries, and by those airlines that continue to discourage international travel by unvaccinated passengers. Currently there are very low numbers of unvaccinated passengers coming into Australia (less than one per cent of arrivals aged 12 years and over); data is not collected on those travelling outbound. The removal of international border restrictions will likely lead to an increase in the volume of unvaccinated passengers coming into Australia, however, the potential rate of increase is unknown. The WHO reports that 66% of the world population have received at least one dose of a COVID-19 vaccine, and 60% have completed their primary course of vaccination.

4. Consultation

Finalising the implementation of border reopening and removing the remaining border measures will require coordination with the Minister for Health and Aged Care and the Minister for Infrastructure, Transport and Regional Development to ensure there is policy consistency across the Commonwealth, and to avoid confused external messaging.

s. 47C(1)



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5. Milestones

s. 47C(1)



6. Next Steps

s. 47C(1)



Contact Details

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People and Culture in the Department

1. Summary of Commitment/Issue

Increasing cost of living pressures and interest rates will put upward pressure on wages.

Public sector wage increases will be limited by Federal budget pressures, further escalating attraction and retention issues that the Department is already experiencing, in particular for highly skilled and in-demand roles.

s. 47C(1)

There are significant attraction and retention challenges in the Department, which reflect those being reported in all workplaces internationally and in Australia. The demand for skilled workers is very high.

s. 47C(1)

2. Current Situation

2.1. Attraction and Retention

The Department has implemented a range of options to improve attraction and retention, however the discrepancy with the wages offered by other APS agencies remains a driving factor for attrition.

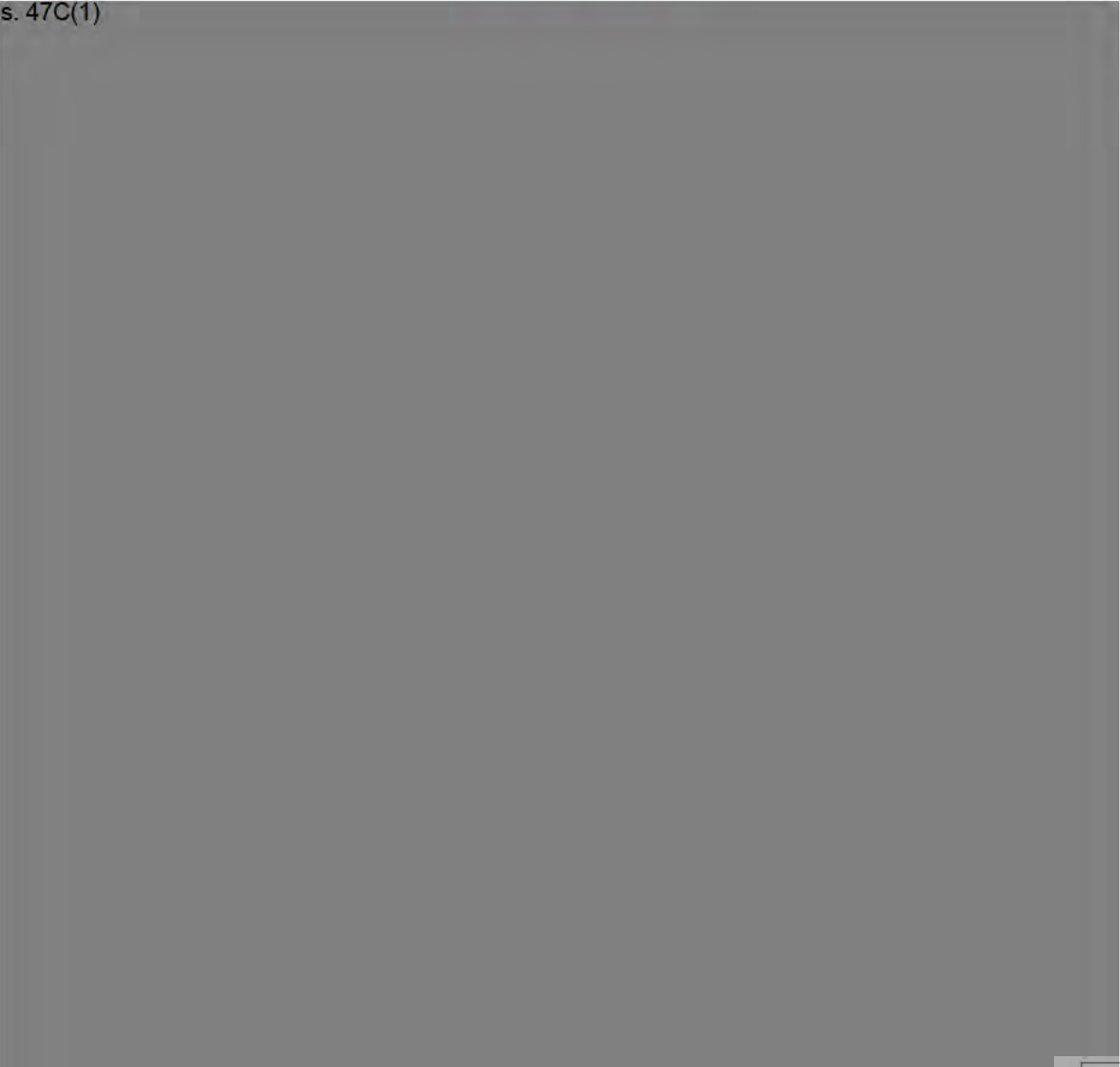
Public sector wage increases will continue to be limited by Federal budget pressures, further escalating attraction and retention issues that the Department is already experiencing, in particular for highly skilled and in-demand roles.

Specific pay arrangements for specialised, in-demand roles are being put in place in order to ensure that critical Government priorities can be delivered, however attraction and retention is influenced by cross agency demand, particularly within the Canberra market. Strategies to address attraction and retention challenges have been implemented and are working.

More staff have commenced with the Department than have left since January 2022 and more progress is expected with targeted effort underway from April this year.

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s. 47C(1)



The 2022-23 Budget Paper No. 4 – Agency Resourcing, specifically *Table 2.1: Estimates of ASL of agencies in the Australian Government General Government Sector* lists departmental ASL estimates increasing from 13,612 in 2021–22 financial year to 14,010 in 2022–23 financial year. s. 47C(1)

The Department's operating funding in 2022-23 financial year (including funding from Government and 'own source' revenue) is broadly stable compared to 2021–22 financial year with a small increase of approximately \$32.0 million (increase from \$3.003 billion in 2021–22 financial year to \$3.035 billion in 2022–23 financial year) mainly due to the net impact of new measures. s. 47C(1)

2.4. Reduced reliance on contractors and insecure forms of employment

As at the end of April 2022, the Department employed 12,838 ongoing staff (95 per cent), 342 non-ongoing staff (2.5 per cent) and 314 casual (irregular intermittent) staff (2.3 per cent). Importantly, many of the non-ongoing and casual roles provide staff with the experience and skills to ensure they are competitive for ongoing opportunities that subsequently arise within the Department.

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These roles, particularly those in Australia's international airports provide critical surge capability to address workload peaks and staff absences.

Contractors and consultants represent a small portion of the Department's entire workforce. Consultants are generally engaged to produce a specified outcome through the provision of independent thought. Contractors are hired to undertake discrete high priority functions or projects that often have a need for short term expertise and could be performed by APS staff, or where specialist skill sets are required that are not available or uneconomical to retain within the APS – such as Cyber and ICT.

The Department spent \$241.6 million in 2021–22 financial year (YTD to 30 April 2022) and \$257.1 million in 2020–21 financial year on contractors (excluding capitalised expenditure) and \$3.7 million in 2021–22 financial year (YTD to 30 April 2022) and \$9.5 million in 2020–21 on consultants.

As at 30 April 2022, the contractor headcount of the Department was 1,313 with a further 117 providing consultancy services. The contractor and consultant headcounts were approximately 10 per cent and 1 per cent of the staff headcount respectively and are comparatively low by public sector standards. Please refer to **Attachment A** for further details.

2.5. Staff Culture

The Department has a range of cultural improvement initiatives underway in the Department, and we would welcome the opportunity to discuss your priorities. These cultural initiatives are focussed around:

- improving leadership capability;
- diversity and inclusion;
- safety and wellbeing; and
- creating workplaces which are safe, enjoyable and high performing.


3. Opportunities and Constraints

The Department will pay its last pay rise of 2 per cent to its staff under a section 24(1) agreement in February 2023 and is expecting to commence negotiations for a new Enterprise Agreement by mid-2023. The changes required to the industrial settings in the new Enterprise Agreement are expected to be extensive and will take considerable time and effort to negotiate.


s. 47C(1)



The Department relies on contracted labour and non-ongoing staff to deliver outcomes in certain critical business areas. s. 47C(1)



s. 47C(1)



s. 47C(1)

4. Risks and Sensitivities

s. 47C(1)

5. Consultation

s. 47C(1)

6. Milestones

Timing	Action
February 2023	Last pay rise to Departmental staff under a section 24(1) of the Enterprise Agreement
Mid-2023	Commence negotiations for a new Enterprise Agreement

7. Next Steps

No action is required by you in the immediate term.

The Department is ready to action new industrial relations policy issued by the APSC based on your election commitments.

s. 47C(1)

8. Attachments

Attachment A – Usage of contractors and consultants

9. Contact Details

Name: Justine Saunders APM – Chief Operating Officer

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

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Usage of Contractors and Consultants

Table 1 Total Contractors and Consultants (Departmental and Administered Expense)

Contractors and Consultants	2014-15			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 Apr YTD
	ACBPS	DIBP	Total	DIBP	DIBP	Home Affairs	Home Affairs	Home Affairs	Home Affairs	Home Affairs
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Departmental										
Contractors										
IT Contractors	22,399	91,526	113,925	134,357	163,410	198,532	220,905	184,532	192,690	151,439
Air and Marine Crew	20,338	-	20,338	-	-	-	-	-	-	-
Intelligence	2,415	-	2,415	-	-	-	-	-	-	-
Trade and Customs	2,583	-	2,583	-	-	-	-	-	-	-
Translator Interpreter Services ¹	-	62,785	62,785	53,453	54,040	44,974	38,977	38,907	33,967	31,824
General Contractors ²	18,036	4,377	22,413	54,947	80,972	94,686	99,225	120,323	93,130	103,273
Other	-	8,285	8,285	22,520	-	-	-	-	-	-
Total Contractors	65,771	166,973	232,744	265,277	298,423	338,192	359,108	343,762	319,787	286,536
<i>less capitalisation</i>	<i>(8,524)</i>	<i>(30,248)</i>	<i>(38,772)</i>	<i>(46,651)</i>	<i>(88,738)</i>	<i>(100,603)</i>	<i>(121,395)</i>	<i>(87,753)</i>	<i>(80,774)</i>	<i>(58,264)</i>
Total Contractors post Capitalisation	57,247	136,724	193,972	218,626	209,685	237,589	237,714	256,009	239,013	228,272
Consultants	14,490	42,192	56,682	52,808	31,044	37,222	29,702	18,446	8,929	3,540
Contractors and Consultants (Departmental)	71,737	178,916	250,654	271,434	240,729	274,811	267,416	274,455	247,942	231,812
Administered										
Contractors		21,528	21,528	4,143	5,801	6,868	17,579	12,166	18,092	13,299
Consultants		1,213	1,213	2,075	3,444	4,641	3,663	3,941	610	126
Contractors and Consultants (Administered)	-	22,741	22,741	6,218	9,245	11,509	21,242	16,107	18,702	13,425
Total: Departmental and Administered										
Contractors	57,247	158,252	215,500	222,769	215,486	244,457	255,293	268,175	257,105	241,571
Consultants	14,490	43,405	57,895	54,883	34,488	41,863	33,365	22,387	9,539	3,666
Contractors and Consultants (Departmental and Administered)	71,737	201,657	273,395	277,652	249,974	286,320	288,658	290,562	266,645	245,237

Table 2 Total Number of Contractors and Consultants as at 30 April 2022

Job Role as at 30 April 2022	Consultant	Contractor Full time	Grand Total	Consultant %	Contractor Full time %
Accounting (general) - professional	-	10	10	0%	100%
Administrative support	s. 47F(1)		s. 47F(1)	75%	25%
Border Enforcement Operations			6	83%	17%
Business Analyst	-	10	10	0%	100%
Business process analysis & design	-	63	63	0%	100%
Call, contact or smart centre	-	28	28	0%	100%
Change management	-	23	23	0%	100%
Contract management	s. 47F(1)	34	36	6%	94%
Databases		15	15	0%	100%
Detector dog breeding & development	-	11	11	0%	100%
Development & Programing	s. 47F(1)	129	130	1%	99%
Facilities management		100	101	1%	99%
Financial analysis, policy & planning	-	12	12	0%	100%
Generalist Medical Practitioner	-	17	17	0%	100%
Generalist management	s. 47F(1)	9	11	18%	82%
ICT architecture		34	36	6%	94%
ICT Security	-	42	42	0%	100%
Infrastructure & facilities	24	s. 47F(1)	26	92%	8%
Internal audit (performance)	-	6	6	0%	100%
Legal officer	-	18	18	0%	100%
Management accounting	s. 47F(1)	14	15	7%	93%
Networks & telecommunications		8	10	20%	80%
Nurse	-	12	12	0%	100%
Organisation & methods analyst	s. 47F(1)	9	11	18%	82%
Policy Officer	-	15	15	0%	100%
Procurement	6	37	43	14%	86%
Program & Project Management (ICT)	12	93	105	11%	89%
Program Management (PI)	-	24	24	0%	100%
Project Management	-	68	68	0%	100%
Service management	s. 47F(1)	10	14	29%	71%
Services Contractor	6	167	173	3%	97%
Strategic Design	7	s. 47F(1)	10	70%	30%
Systems administration	12	28	40	30%	70%
Systems analysis & design	-	48	48	0%	100%
Systems integration & deployment	14	10	24	58%	42%
Testing	-	120	120	0%	100%
Workforce Strategist	s. 47F(1)	6	9	33%	67%
Other*	8	76	84	10%	90%
Total	117	1,313	1,430	8%	92%

* Grouping of all Job Roles with a total headcount of 7 or below.

Support and Enabling Services

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Supporting Your Office

1. Key Highlights

The Department provides a range of advisory and support services to you as Minister. Following the receipt of the charter letters, the Department will support you and your office in accordance with your portfolio responsibilities. In addition, there are a number of systems and operating arrangements in place to ensure efficient and effective communication with you and your office.

2. Overview

The Department provides direct support to all Portfolio Ministers including:

2.1. Departmental Liaison Officers (DLOs)

A DLO is an APS officer, employed by the Department, who is the central liaison point in your office to assist with the two-way information flow and handling of ministerial documentation. The Prime Minister determines the number of DLOs as part of your ministerial entitlements. For continuity, the Department can provide experienced DLOs. However, if it is your preference to have new DLOs, the Department will provide you with a list of suitable officers.

2.2. Ministerial entitlements

Your ministerial entitlements are outlined in the guidance material which will be provided to all Ministers by the Ministerial and Parliamentary Services in Finance. The guidance material will cover all matters concerning the operation of your office from salary, accommodation and office facilities to travel, staff matters and procedural matters.

The Department is responsible for costs associated with your ministerial role. We work closely with Finance and the Independent Parliamentary Expenses Authority to ensure that expenses are incurred in accordance with the established guidance.

2.3. Office budget

The Department provides a budget to cover expenses of your ministerial office. This includes funding for services such as information technology, communication expenses and equipment, newspapers, stationery, freight, taxi and vehicle expenses. The Department will process payments for these services where they are not funded through your entitlements managed by Finance.

The Department is responsible for all expenditure approvals and requests to purchase items should be made through the Department. Retrospective invoices that have not received departmental approval will not be paid.

The Department will monitor and report office expenses and will work with your office to settle the frequency and preferences for the provision of such information.

2.4. Security Clearances

Under the Australian Government Protective Security Policy Framework (PSPF) you are not required to hold a security clearance to access security classified information while exercising the duties of the

Minister. All ministerial staff are required to maintain a minimum Negative Vetting 2 security clearance. This process is managed by Finance. As a Minister in our Portfolio we recommend a number of your staff have a Positive Vetting security clearance. The Department can assist with this process.

The Department will ensure your staff are provided with security clearance waivers and compartment briefings as a matter of priority. Your DLOs can also assist with the handling of security classified material and the Department can provide suitably cleared temporary staff to your office if required.

2.5. Office and other computing services

The Department will provide a connection to the Department's PROTECTED IT network to your Australian Parliament House (APH) Office and an IT network connection to your Electorate Office (EO) and Commonwealth Parliamentary Office (CPO), if required. Your staff will be provided with desktop computers, printers and associated IT facilities (software and services) allowing them to support your role as Minister.

The Department will undertake inspections and risk assessments of your EO as soon as possible to ensure our infrastructure can be installed in the office in accordance with the PSPF. We will inform you of any upgrades required.

Until this risk assessment occurs, you can access security classified information up to PROTECTED via your departmental issued laptop in your EO and may be required to work in your APH office or CPO when handling and storing more classified information.

2.6. Mobile phones and laptops

The Department will provide you and your staff with mobile phones and laptops. These devices will provide access to email, calendar appointments and Departmental systems, remotely as required. iPads can also be arranged should you and your office require.

2.7. ICT Ministerial Support

The Department's ICT Ministerial Support is a dedicated team responsible for providing service support for you and your staff. These services include system access, software requirements, provision of IT equipment, ongoing ICT maintenance and priority resolution of IT issues. If and when required, the team will also present onsite to deliver IT service support and can be contacted outside of office hours via the PLATINUM IT Service. Contact details for these services will be provided when you and your staff receive your initial issue of IT equipment.

2.8. Office supplies and sundries

Stationery supplies can be ordered through your DLOs until a Complete Office Supplies account has been established for your Office Manager.

Business cards and arrangements for the delivery of newspapers, periodicals, and digital publications to your ministerial office can also be organised through your DLOs.

A courier service for the collection and delivery of items between your ministerial office in APH and the Department's offices is provided twice daily at 10:30am and 2pm.

The Department can also organise a Safehand Delivery account to transport documents between your APH, CPO and EO offices.

2.9. Media

The Media and Communication Branch provides a suite of services to you as Minister including media monitoring, media engagement support, development of talking points, speeches and media releases, video production and graphic design, and advertising and information campaign development.

All media enquiries are coordinated through two media operations sections (one for matters related to the Department's remit, and one for ABF matters). The media engagement capability operates seven days a week from 7:00am to 10:00pm, with an on-call media officer on duty outside standard business hours and on weekends.

The Media and Communication Branch also provides the crisis communication function to the National Situation Room and will provide you with holding lines and talking points in an unfolding situation related to your responsibilities.

We will liaise with your media advisers to provide more detailed information about the Department's media and communication service offering and make any adjustments required to align with your personal preferences and priorities at their earliest convenience.

2.10. Cabinet

The Department will support Portfolio Ministers in accordance with their Cabinet responsibilities.

Cabinet Submissions originating in each Cabinet Minister's portfolio will be provided to them for clearance under cover of a ministerial submission prior to being released for distribution to other agencies.

The Department will provide a briefing on Cabinet matters originating in the relevant Cabinet Minister's portfolio as required and will provide a briefing on Cabinet items originating in other agencies upon request. The Department will provide all Portfolio Cabinet Ministers' offices with regular reporting on upcoming Cabinet items including those originating from the Portfolio as well as Cabinet items of interest originating in other agencies.

All accountable Cabinet documents distributed to Ministers through CabNet+ will be watermarked with a copy number attributed to that Minister's office. Cabinet Ministers' offices will be periodically required to undertake a stocktake of all printed accountable documents.

3. Contact Details

Name: Sophie Sharpe – Group Manager, Executive and International

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

Providing Advice to You

1. Key Highlights

The Department provides a range of advice to you as Minister. This will come to you in the form of Cabinet and ministerial submissions, briefs, correspondence and email advice.

We will work with your office to finalise personal preferences on language, style and templates to ensure the advice is targeted to meet your needs.

2. Overview

Ministers, in partnership with their departments, are responsible for administering, implementing, amending and creating policy and legislation. The Administered Arrangements Order (AAO) formally allocates executive responsibility among Ministers. The AAO sets out which matters and legislation are administered by which department and Minister. We will work in partnership with portfolio Ministers to ensure that the split of responsibilities under the AAO is well understood and clear. We will also work with PM&C to ensure the charter letters provide a clear delineation of responsibilities and accountabilities between Ministers.

The Department is committed to providing you with advice that is impartial, takes into account legal compliance, considers the integrity of government processes, outlines implementation and delivery risks and considers the impact of a policy on the broader Australian community.

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

The Ministerial and Parliamentary Branch provides direct support to you and all portfolio Ministers through the management and coordination of advice to ministerial offices.

2.1. Parliamentary Document Management System (PDMS)

The PDMS is a WofG system that automates the workflow and management of all ministerial and parliamentary documents.

PDMS is hosted by Finance in a shared-service arrangement to improve inter-agency workflow, communications with ministerial offices, and to standardise document management and parliamentary communication processes.

PDMS is used by all government departments and ministerial offices. PDMS training will be provided to your staff and, if required, you. If you wish to use electronic signatures, we can arrange for you to have access to PDMS to approve documents electronically by signing with a stylus or your finger (noting there are some circumstances where it is not appropriate to sign electronically).

2.2. Ministerial submissions

A ministerial submission is a formal document that provides you with advice or information to enable you to make a decision on policy, legislation, programs, funding or individual cases. Ministerial submissions are generally initiated by the Department for your consideration.

A ministerial submission provides you with a recommendation that requires you to record your decision or action taken, for example: Note, Approve, Sign or Agree. Each submission must be signed by you as the Minister. It is not appropriate for your staff to do this on your behalf.

2.3. Ministerial briefs

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

2.4. Ministerial correspondence

Ministerial correspondence includes all correspondence that is addressed to, or referred to you. Correspondence can be received in hard copy, email, or via the ministerial correspondence web form. All ministerial correspondence is registered in PDMS, prioritised and assigned to the relevant line area. A response is then drafted and cleared for your signature, or signed on your behalf by a departmental delegate. We will work with your office to identify your preferences when preparing responses.

2.5. Question Time Briefs (QTBs)

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

2.6. Parliamentary Questions on Notice

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

2.7. Email advice

It is Departmental policy that all written advice provided to you be submitted via a ministerial submission or brief and be recorded in PDMS. If the matter is urgent or otherwise not practical to prepare a submission or brief, advice will be provided to you via email.

A register of emails to and from your office is kept and your staff and departmental staff are required to copy S. 47E(d) [@homeaffairs.gov.au](mailto:_____@homeaffairs.gov.au) into emails to and from the office.

Email advice may be followed up with a ministerial submission or brief if required.

2.8. Cabinet Submissions

A Cabinet Submission is a proposal that seeks agreement from the Cabinet to take a particular course of action. Submissions must be sponsored by the relevant Cabinet Minister, and may be jointly sponsored by more than one Minister across one or multiple portfolios.

Cabinet documents are circulated in CabNet+. CabNet+ is a WofG system and operates at both the PROTECTED and SECRET level.

Information up to PROTECTED can be accessed from desktops, laptops, iPads and iPhones. Training will be provided to your staff, and if you wish, you, on how to use CabNet+. Should you wish

to access your SECRET Cabinet documents on an iPad, this can be arranged. However the iPad is not connected to a network and documents need to be synced to the device from a CabNet+ terminal.

Ministers are expected to take full responsibility for the content, quality and accuracy of advice provided to the Cabinet under their name. Ministers bringing forward Cabinet Submissions are also responsible for ensuring that the necessary consultation takes place at ministerial and officials' levels, to enable a fully informed decision. Australian Government consultation on a Cabinet Submission occurs through the circulation of an Exposure Draft where policy comment and drafting suggestions are sought and through the circulation of the Coordination Final where affected agencies provide a formal comment on their support for the proposal.

3. Contact Details

Name: Sophie Sharpe – Group Manager, Executive and International

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

Personal Ministerial Powers

1. Key Highlights

You administer a range of legislation that includes personal (non-delegable) powers, in that these powers relate to the national interest, public interest or otherwise are to be exercised by you personally (and are also, in some circumstances, non-compellable).

2. Overview

Generally speaking, all portfolio legislation administered by you is included in the AAO, made 18 March 2021 (as amended). The Minister also has powers under legislation which is not administered by, or is only partially administered by, the Department under the AAO. For example, the Minister has various powers under the Telecommunications Act, which is administered by DITRDC. This includes the power to: issue directions not to grant carrier licences on security grounds; issue directions to carriers or carriage services not to use or supply carriage services where it is prejudicial to security; and emergency management powers. If two or more Ministers (including Assistant Ministers and Parliamentary Secretaries) are jointly commissioned to administer a Department, then each Minister is 'the Minister' under the portfolio legislation specified in the AAO and can exercise the personal powers.

Certain powers of 'the Minister' under portfolio legislation can only be personally exercised by a portfolio Minister and cannot be delegated to officers in the Department (or elsewhere) either because there is no express power of delegation in the legislation, or the intent of the legislation is that the powers be exercised personally. In limited circumstances, officers of the Department can be authorised to exercise powers of 'the Minister' for which there is no express power of delegation (referred to as the *Carltona* principle). For example, the *Carltona* principle is relied upon to authorise members of Ministerial offices to exercise powers under the *Freedom of Information Act 1982* on the Minister's behalf. Some of these powers are also non-compellable, meaning that, while a portfolio Minister may choose to exercise the power in certain circumstances, the Minister is not, and cannot, be required to exercise the power.

The following is a snapshot of key personal Ministerial powers from major portfolio legislation. The Department can brief you with further detail, as required.

2.1. Migration Act

The Migration Act contains a number of powers that you must exercise personally, including where you consider it is in the public or national interest. These powers notably include:

- Non-compellable 'Ministerial intervention' powers, exercisable where you think it is in the public interest to substitute a more favourable decision than one made by the AAT. This includes substituting a decision of the Migration and Refugee Division under section 351 (non-protection visa decisions that are not character related) or section 417 (protection visa decisions that are not character related), or a decision of the General Division under section 501J in relation to a character-related protection visa decision.
- a power to 'lift the bar' which would otherwise prevent a person from making a valid visa application in certain circumstances, including that lifting the bar is in the public interest, for visa applications including an application for a further protection visa by a non-citizen (section 48B(1)), or visa applications by an unauthorised maritime arrival or a transitory person (sections 46A(2) and 46B(2) respectively);
- a power to grant a person in immigration detention a visa if it is considered by you to be in the public interest (section 195A, such grants otherwise being barred);

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- a power to designate that a country is a regional processing country, if you think it is in the national interest to do so (section 195AB(1)); and
- a power to refuse or cancel a visa on character grounds including where you reasonably suspect the person does not pass the character test and is satisfied that the refusal or cancellation is in the national interest (section 501(3)).

2.2. Security of Critical Infrastructure Act

The Security of Critical Infrastructure Act contains a number of powers that you must exercise personally. These powers notably include:

- responding to serious cyber security incidents, by authorising the Secretary of the Department to give various types of directions to a specified entity or an authorised agency (Division 2 of Part 3A);
- privately declaring an asset to be a critical infrastructure asset or a 'system of national significance' if satisfied that there would be a risk to national security if the status of the asset was publicly known (Parts 6 and 6A); and
- causing an independent review of the Security of Critical Infrastructure Act to be undertaken, and to make rules permitted by the Security of Critical Infrastructure Act or necessary or convenient for giving effect to the Security of Critical Infrastructure Act (Part 7).

2.3. National Security, Law Enforcement and other legislation

Following is a selection of powers and functions for which you, as the Minister are personally responsible:

- issuing guidelines to the Director-General of ASIO under section 8A of the *Australian Security Intelligence Organisation Act 1979*;
- consenting to requests for interim control orders, commencing continuing detention orders, and extended supervision order litigation, under the terrorism provisions in Part 5.3 of the *Criminal Code Act 1995* (Criminal Code Act);
- providing certain authorisations in emergency situations to intelligence agencies to undertake certain activity under the *Intelligence Services Act 2001*;
- giving a direction under Part 14 of the Telecommunications Act (known as Telecommunications Sector Security Reforms provisions) to require entities to do, or not do, certain actions where it may be prejudicial to security, or where there is a risk of unauthorised interference with, or access to, telecommunications networks and facilities;
- declaring a 'major national event' under the *AusCheck Act 2007*; and
- specifying prohibited items, prohibiting the entry of specified kinds of cargo into Australia and determining a code regulating and authorising the use of optical surveillance devices at airports and on board aircraft under the *Aviation Transport Security Act 2004*.

2.4. Australian Citizenship Act

The Citizenship Act contains non-delegable Ministerial personal powers, including to:

- provide alternative special residence requirements in relation to citizenship applicants who engage in activities of benefit to Australia, or who, due to their engagement in particular kinds of work, require regular travel outside Australia (sections 22A(1A) and 22B(1A));
- revoke a person's citizenship in certain circumstances where citizenship was granted because of an exercise of the power under section 22A(1A) or 22B(1A) (section 34A(1));
- cease the citizenship of a person (14 years or older) where the person engages in various kinds of conduct inconsistent with allegiance to Australia (including specified terrorism-related conduct, or fighting for or being in the service of a declared terrorist organisation) (section 36B);
- cease the citizenship of a person for conviction for certain offences under the Criminal Code (section 36D); and
- revoke a decision to cease a person's citizenship – either on application (section 36H) or on your initiative (section 36J).

2.5. Australian Border Force Act 2015 (ABF Act)

There is no provision in the ABF Act for you to delegate powers. Any reference to the Minister doing something is a reference to you acting personally. This includes:

- prescribing a kind of information to be 'Immigration and Border Protection Information' subject to the information protection provisions in Part 6, where you are satisfied that disclosure of such information would or could reasonably be expected to prejudice the effective working of the Department or harm the public interest (section 4(7)); and
- determining the terms and conditions upon which the ABF Commissioner holds office (section 22).

2.6. Customs Act

Under the *Customs Act 1901* (Customs Act), you have personal (non-delegable) powers to:

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

2.7. Maritime Powers Act

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

- determine that maritime powers may be exercised between Australia and another country in specific circumstances (section 75D); and
- exempt certain vessels involved in maritime enforcement operations from the inappropriate application of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, the *Navigation Act 2012* and the *Shipping Registration Act 1981* (section 75H).

2.8. Criminal Justice legislation

There is also a shared responsibility for criminal justice matters between the Attorney-General and Portfolio Ministers. The Attorney-General and you share both administrative and policy responsibility for the Crimes Act and, while the Attorney-General administers the Criminal Code Act, you have primary policy responsibility. In practice, what this means for the Criminal Code is that:

- the AFP investigates federal offences;
- the Attorney-General 'owns' the Criminal Code and responsibility for amendments to it; and
- you develop the policy underpinning offences in the Criminal Code, working with the Attorney-General.

3. Contact Details

Name: Pip de Veau – General Counsel/Group Manager Legal

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

Working with General Counsel and Legal Group

1. Key Highlights

Legal Group's work is fast paced, often legally complex and integral to the Department lawfully achieving its strategic objectives. The work may at times attract significant public and/or media interest, and/or interest at Parliamentary hearings.

2. Overview

Legal Group is a centralised in-house practice, headed by General Counsel/Group Manager Legal, Pip de Veau.

There are six branches within the Group that identify and manage legal risk. The Group helps shape legislation, manage claims, litigation and dispute resolution. It provides legal advice across areas of law such as employment, commercial, migration, citizenship, customs, trade, national security and other operational and border protection matters. The practice includes specialist business support services, including a practice management and training function which develops capability within the Group and across the Department, supporting good decision making processes and other compliance and accountability objectives. Legal Group manages one of the largest litigation caseloads in the Commonwealth. Ministers within the Portfolio are regularly named in many of these proceedings and the Commonwealth must comply with the Legal Services Directions 2017 in response and in the performance of all other Commonwealth legal work.

3. Legal Services Directions 2017

The Legal Services Directions are a set of binding rules issued by the Attorney-General. The binding rules include:

- Obligations to assist the court and tribunals and obligations to act as a model litigant;
- Tied areas of Commonwealth legal work which means certain categories of work can only be performed by certain legal providers such as the AGS and the Office of International Law in the AGD. Tied work includes constitutional law issues, Cabinet work, national security issues, public international law; and legislative drafting work;
- Handling monetary claims and criteria for settlement;
- Engagement of counsel and briefing the Solicitor-General;
- Reporting on significant issues to the Attorney-General and seeking the Attorney-General's agreement to settle or finalise significant issues; and
- Reporting of legal services expenditure.

4. Engagement with the Office

Due to the nature of the legal work, SES Officers within Legal Group may at times communicate with you or your office directly if urgent issues arise and time does not permit a submission being provided and considered. This will likely arise in relation to the legislative program or where the Department is to provide an update at short notice in a sensitive litigation matter. Where possible, Legal Group will otherwise report to the relevant Minister every Friday on significant litigation through a Weekly

Litigation Report and on the legislative program through a Weekly Legislation Priorities Report. Legal Group will also provide submissions to the relevant Minister for consideration or noting in relation to other broader legal issues that may arise. Further there are:

- certain decisions that only authorised Ministers can make because they require the exercise of non-compellable, personal Ministerial powers (e.g. section 351 of the Migration Act allows the Minister to substitute a decision of the AAT, with a decision that is more favourable to the applicant, where the Minister thinks that it is in the public interest to do so); and
- a suite of instruments and delegations that can only be signed by the authorised Minister (e.g. section 198AB of the Migration Act allows the Minister, by legislative instrument, to designate that a country is a regional processing country, if the Minister considers that it is in the national interest to do so).

Accordingly, Legal Group will engage with you from time to time in relation to these matters. Further details are provided in the brief Personal Ministerial Powers.

5. Litigation

The Department manages a large and diverse litigation caseload. The two primary areas of litigation are migration and citizenship litigation, and civil litigation.

Litigation matters can be high profile in terms of media and parliamentary scrutiny, both in terms of substance and legal expenditure. Further details of significant cases is provided in Litigation.

5.1. Migration and Citizenship

As at 31 January 2022, Legal Group was managing an active migration and citizenship administrative law litigation caseload of 17,413 matters. These are matters where non-citizens are seeking judicial review in the courts and the General Division of the AAT of decisions made under the Migration Act, Citizenship Act and the FOI Act, including injunction applications to prevent removal from Australia. The Department has maintained a high success rate of over 89 per cent in defended matters over the last four years in the courts. Consistent with the Legal Services Directions, appeals are only filed on your behalf where there are reasonable prospects of success or the appeal is otherwise justified in the public interest. In most circumstances, these decisions are made at a departmental level and reported in the Weekly Litigation Report provided to your office.

5.2. Other litigation including civil litigation

As at 31 January 2022, Legal Group was managing over 360 cases seeking general compensation and includes foreshadowed and filed matters in the courts and the Fair Work Commission. This caseload includes filed claims for damages, foreshadowed litigation and challenges to regional processing arrangements.

The majority of litigation (or foreshadowed litigation), involving claims for compensation, is managed by Comcover within Finance, in accordance with the Department's insurance arrangements. While Comcover will consult with the Department in managing these claims, ultimately Comcover provides the instructions and makes the decisions on litigation strategy.

6. Legislation

The Department manages a broad-ranging legislative program for the Portfolio. This includes Bills for consideration by the Parliament, as well as a range of subordinate legislation (including regulations and other instruments).

s. 47C(1)



7. AGS in-house Special Counsel

Special Counsel, Mr Ian Deane PSM, an out-posted senior lawyer from the AGS, is a key provider of legal advice on complex matters of strategic significance including:

- sensitive visa and citizenship decisions;
- the development of amendments to portfolio legislation; and
- significant matters before the courts.

Mr Deane is supported by a full time senior executive lawyer also out-posted from the AGS.

8. Contact Details

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Legislative Priorities

1. Key Highlights

The Department will support you and your office in implementing your legislative priorities across the breadth of the Portfolio, including national security, law enforcement, immigration, customs and trade. s. 47C(1)

2. Overview

There are a broad array of legislation projects that can be progressed across the Portfolio. This includes Bills for Parliament, as well as a range of subordinate legislation (including regulations and other legislative instruments).

s. 47C(1)

3. Election Commitments requiring Legislation

A number of your election commitments will, or may, require legislative change to implement. s. 47C(1)

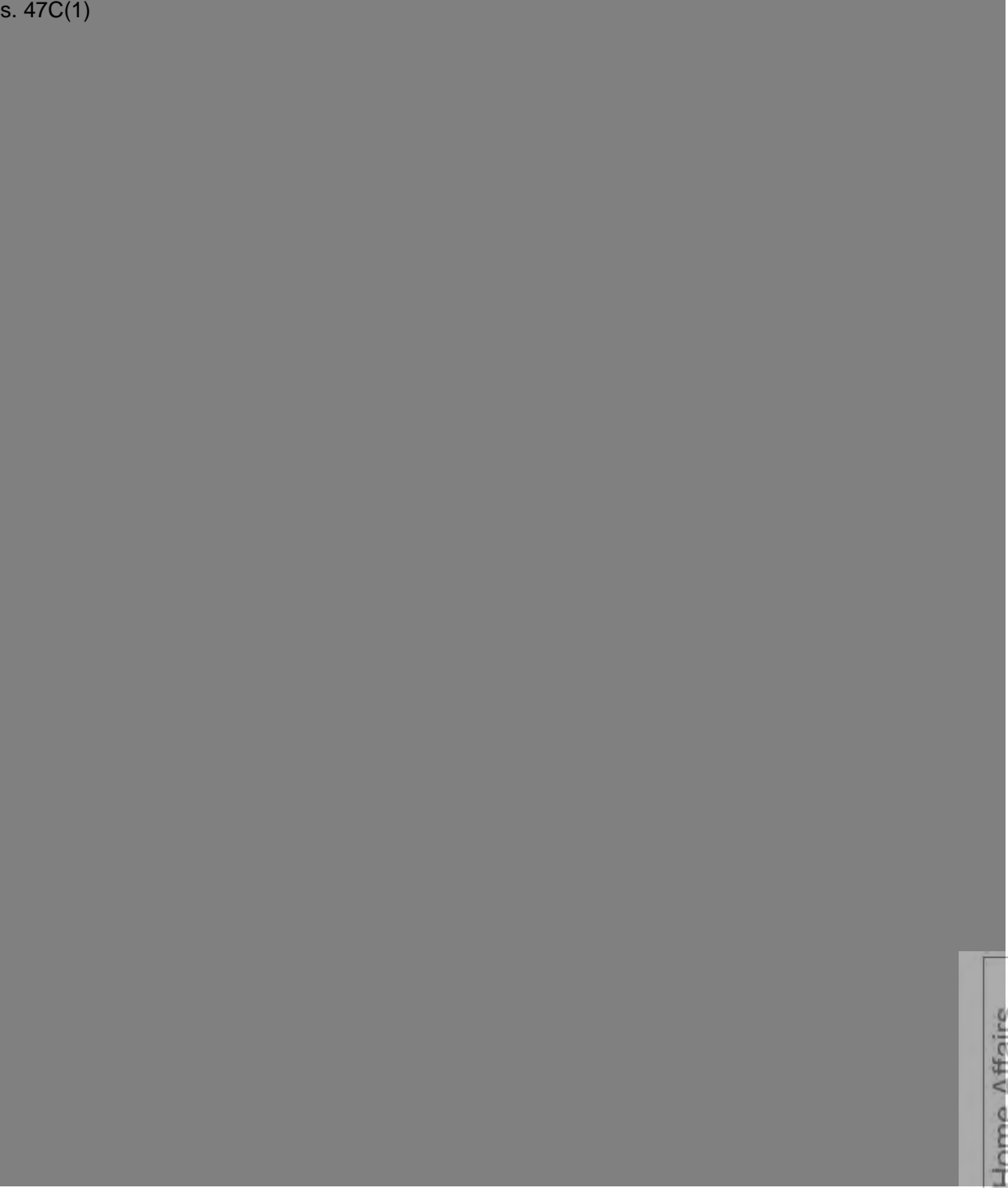
4. Bills from the 46th Parliament

When the Parliament next sits, all Bills that were previously in the Parliament but had not yet passed will lapse. s. 47C(1)

A list of these Bills is included at Attachment B. s. 47C(1)

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s. 47C(1)



7. Attachments

s. 47C(1)

Attachment B – Bills that lapsed in the 46th Parliament

s. 47C(1)

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Attachment B

Bills that lapsed in the 46th Parliament

The following Bills were in Parliament, but had not yet passed, at the time the election was called. These Bills will have lapsed when the Parliament next meets. s. 47C(1)

Customs and trade

- Customs Amendment (Controlled Trials) Bill 2021

Cyber security and critical infrastructure

- Identity-matching Services Bill 2019
- Transport Security Amendment (Critical Infrastructure) Bill 2022

Migration and citizenship

- Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020
- Migration Amendment (Protecting Migrant Workers) Bill 2021
- Migration Amendment (Streamlining Visa Processing) Bill 2019
- Migration Amendment (Strengthening the Character Test) Bill 2021
- Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020
- Migration Legislation Amendment (Regional Processing Cohort) Bill 2019
- New Skilled Regional Visas (Consequential Amendments) Bill 2019

National security and law enforcement

- Crimes Legislation Amendment (Ransomware Action Plan) Bill 2022
- Telecommunications (Interception and Access) (Corrective Services Authorities) Amendment Bill 2022

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Litigation

1. Key Highlights

The Department manages a large and diverse litigation caseload on your behalf. This brief summarises the most high profile and significant matters and disputes currently on foot.

2. Current Situation

2.1. National security litigation – Post-Sentence Order (PSO) scheme

Division 105A of the Criminal Code protects the community from the risk posed by a terrorist offender committing a serious terrorism offence, by enabling the Minister to apply to a Supreme Court for a PSO in relation to the terrorist offender. The Minister may apply for a PSO for a maximum period of 3 years. If made, the Minister must apply to the Court for an annual review of the PSO. A PSO may be a CDO or Extended Supervision Order (ESO).

There have only been two CDOs made since the scheme commenced in 2016:

- Abdul Nacer Benbrika – CDO made by the Victorian Supreme Court is in force until December 2023, subject to annual reviews. The second review will occur before December 2022;
- Blake Pender – CDO made by the NSW Supreme Court until September 2022 and is currently being reviewed by the Court.

The Department is considering orders available under Division 105A for a number of other terrorist offenders currently serving sentences of imprisonment, who are scheduled for release in 2023.

2.2. Migration and Citizenship litigation

2.2.1. Constitutional challenges to citizenship loss provisions

There are two constitutional challenges to the current and historical terrorism-related citizenship loss provisions in the Citizenship Act before the High Court.

Legislation to provide for terrorism-related citizenship cessation was first enacted through the *Australian Citizenship Amendment (Allegiance to Australia) Act 2015*, which provided that a person's Australian citizenship ceased by operation of law in certain circumstances. The 'operation of law' provisions were subsequently repealed by the *Australian Citizenship Amendment (Citizenship Cessation) Act 2020*, which introduced the current 'decision-based' model.

Alexander v Minister for Home Affairs is a challenge to the provision in current decision-based model which gives the Minister the power to determine that the Australian citizenship of a dual-citizen ceases where he or she is satisfied the person has engaged in certain conduct demonstrating that the person has repudiated their allegiance to Australia and it would be contrary to the public interest for the person to remain an Australian citizen. The High Court heard the matter on 16 and 17 February 2022 and reserved judgment s. 42(1), s. 47C(1)

Duman v Minister for Home Affairs is a similar challenge to now-repealed provisions which automatically ceased the Australian citizenship of dual nationals who engaged in similar, terrorism-related conduct. The matter has not progressed to hearing. Nineteen individuals lost their Australian citizenship under this scheme.

2.2.2. Litigation related to the High Court's decision in *Love/Thoms*

On 11 February 2020, the High Court delivered judgment in *Love v Commonwealth; Thoms v Commonwealth (Love/Thoms)*, finding that Aboriginal Australians who meet the tripartite test from *Mabo v Queensland (No. 2)* are outside the scope of the 'aliens power' in s 51(xix) of the Constitution and cannot therefore be detained or removed under the Migration Act. The tripartite test has three limbs:

- The person must be biologically descended from Aboriginal or Torres Strait Islander people;
- The person must self-identify as an Aboriginal or Torres Strait Islander person; and
- The person must be recognised by elders or other people who hold traditional authority in the same Aboriginal or Torres Strait Islander society from where the person is descended.

The Department is currently managing several cases relating to *Love/Thoms*.

2.2.2.1. *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Anor v Montgomery – High Court – S192/2021*

On 6 to 7 April 2022, the High Court heard the Minister's appeal from the Federal Court's orders releasing Mr Montgomery from detention. The High Court reserved judgment.

The Federal Court found that the detaining officer's suspicion that Mr Montgomery was not an Aboriginal Australian was not 'reasonable'.

The Commonwealth argued that the Federal Court's decision was incorrect because *Love/Thoms* was wrongly decided. Alternatively, assuming *Love/Thoms* is correct, the Federal Court was incorrect in the way it read down the detention provisions of the Migration Act in light of that decision.

s. 42(1)

2.2.2.2. *Thoms v Commonwealth of Australia – High Court – B56/2021*

In *Love/Thoms*, the High Court found that Mr Thoms is an Aboriginal Australian who meets the tripartite test and is therefore not an alien. Mr Thoms was released from immigration detention shortly after judgment was delivered.

This case concerns whether Mr Thoms' detention prior to that judgment was lawful. On 9 March 2022 the matter was heard by the Full Bench of the High Court and judgment was reserved.

Mr Thoms argued that his detention prior to the High Court's decision in *Love/Thoms* was unlawful because s189 of the Migration Act can never authorise the detention of an Aboriginal Australian. The Commonwealth argues that the Migration Act requires the detention of persons who are not aliens, if there are objectively reasonable grounds to suspect they are aliens, and that such grounds existed in Mr Thoms' case up until his release from immigration detention.


s. 42(1)

2.2.2.3. *Hobson v Commonwealth & Anor – Federal Court – VID120/2022*

On 14 April 2022, the Federal Court (SC Derrington J) upheld Mr Hobson's application for an order for his release from detention. Mr Hobson was released from detention immediately. s. 42(1)

On 11 May 2022 the Commonwealth filed an appeal to the Full Federal Court s. 42(1)

s. 47F(1), s. 47C(1)



2.3. Civil litigation, removal and regional processing claims

2.3.1. Medical transfers negligence claims

This cohort comprises 90 claims brought by transitory persons who were transferred to Australia for the temporary purpose of receiving medical treatment.

Generally, the applicants claim that the Commonwealth owed a duty of care to them to provide a level of service that reasonably met their medical needs in regional processing countries. They claim that this duty was breached, including by failing to exercise reasonable care in managing risk of self-harm and/or injury, failing to provide specialist medical care (for example, specialist paediatric care), and/or failing to take reasonable steps to ensure the applicants received reasonable and adequate medical care in Australia. The majority of the matters include a claim for damages. Some instead appear to seek final injunctive relief, including relief seeking to prevent return to regional processing countries.

There are five matters that are more progressed than the rest of the cohort, and are listed for mediations in August and September 2022. The Federal Court has indicated that if any of the matters are not resolved at mediation, they will likely be listed for hearing from 1 November 2022.

2.3.2. Manus regional processing contractor claims

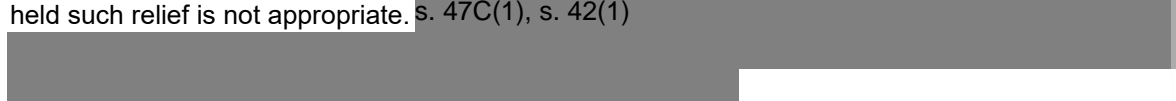
There are 10 active claims against G4S and the Commonwealth in the Supreme Court of Victoria brought by former G4S employees who were employed at the Manus Regional Processing Centre (RPC) between 2013 and 2014. The plaintiffs allege they sustained psychiatric injuries as a result of their exposure to the riots that took place at the RPC between 16 and 18 February 2014.

The plaintiffs claim that the Commonwealth owed and breached a duty of care to them. They claim the Commonwealth had responsibility for, but failed to provide, adequate security infrastructure and personnel. A number of claims have settled.


2.3.3. Claims concerning alleged failure to comply with statutory removal duties

A number of transitory persons and long-term detainees have commenced proceedings alleging the Department failed to remove them from Australia or to regional processing countries.

Many of these proceedings initially sought an order for their release from detention or home detention arrangements. The High Court's decision in *AJL20* and Full Federal Court's decision in *AZC20* have held such relief is not appropriate. s. 47C(1), s. 42(1)



s. 47C(1), s. 42(1)



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2.3.3.1. *BHL19 v Commonwealth; BHL21 v Commonwealth*

BHL19 is a long-term immigration detainee who cannot be returned to his home country of Syria as he engaged Australia's non-refoulement obligations. His protection visa application was refused on character grounds.

On 31 March 2022, the Federal Court (Wigney J) declared that from at least 22 February 2021, officers of the Commonwealth had failed to discharge their statutory duty under s198 of the Migration Act to remove BHL19 from Australia as soon as reasonably practicable. The Court subsequently made an order compelling the Commonwealth to remove BHL19 to a safe third country.

The parties are due to return to the Court by 2 June 2022 to report (through an affidavit from ABF Assistant Commissioner Fitzgerald and any other relevant Departmental officers) on whether the applicant has been removed from Australia, and if not, what steps have been taken to remove him. s. 42(1)

2.3.3.2. Transitory person's non-removal claims

This cohort comprises over 60 claims filed by transitory persons who were brought to Australia from a regional processing country for a temporary medical purpose (or as accompanying family). The applicants have all subsequently made requests to be taken back to the regional processing country from which they were transferred.

s. 42(1)

2.3.4. Claims seeking to prevent or impact transfer to regional processing countries

Since 2016, there have been over 130 proceedings commenced in the original jurisdiction of the High Court seeking to restrain the Commonwealth from returning transitory persons to regional processing countries (the "M22/23 caseload"). With some variation, the plaintiffs argue that there is still a temporary purpose that requires them to be in Australia; the duty to return them is conditioned by Australia's non-refoulement obligations (which they say are engaged); that the duty is spent in relation to persons found to be refugees, and that they are owed procedural fairness regarding their return.

The Department has identified three lead test cases to attempt to resolve the cohort. None have yet been listed for hearing.

There are also a small number of cases presently reserved in the Federal Circuit and Family Court where transitory person applicants seek orders requiring the Commonwealth to conduct non-refoulement assessments in respect to claims raised against Nauru or Papua New Guinea.

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