

Key Brief Number: NSR-02

Home Affairs Portfolio
Department of Home Affairs
Budget Estimates Hearing – March 2025

KEY BRIEF

Topic: ISIL-linked Australians in detention or internally displaced persons camps in Syria

Responsible Deputy: Mr Nathan Smyth, Deputy Secretary, National Security and Resilience

Key Top Lines

- Of the approximately 60 terrorism-linked Australian men and women known to still be offshore, the security situation makes it difficult to confirm how many are in detention facilities and IDP camps in Syria.
- The security situation in Syria is extremely dangerous, severely limiting the ability of the Australian Government to repatriate Australians in the area.
 - o On 8 December 2024, the Assad regime fell and a Hay'at Tahrir al-Sham led coalition obtained control of much of Syria.
- On 23 September 2024, the High Court dismissed the Save the Children Australia's application for special leave to appeal the Federal Court decision in *Save the Children Australia v Minister for Home Affairs & Anor*.
 - o On 3 November 2023, the Federal Court found the Commonwealth does not have control over Australian women and children detained in north-east Syria.

Handling Notes:

- The lead witness will be Mr Nathan Smyth, Deputy Secretary, National Security and Resilience.
- The Counter-Terrorism (CT) Coordination Centre leads counter-terrorism policy and operational coordination across the Australian Government, in addition to coordinating national counter-terrorism capability development through the Australia-New Zealand Counter-Terrorism Committee.

Key Points**Australians being held in Syria**

- The Australian Government is concerned about the remaining Australian women and their children located in IDP camps in north-east Syria.
 - o Of the approximately 60 Australian men and women known to remain offshore, it is difficult to confirm how many are in detention facilities and IDP camps.

OFFICIAL

Clearing Officer: Gemma Smyth, First Assistant Secretary, CTCC

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- Australia is partnering with humanitarian agencies who have the mandate and expertise to deliver assistance to affected populations, including Australians.
- Australia has provided over half a billion dollars in humanitarian assistance in response to the Syrian crisis since 2011, with the most recent commitment to the Syrian crisis response [\$10 million on 27 May 2024] including support for north-east Syria in the areas of healthcare, nutrition, child protection and gender-based violence.
- The Australian Government is providing consular assistance to the families of Australians detained in Syrian IDP camps.
 - Our ability to provide consular assistance to Australians in Syria is limited due to the dangerous security situation and because we do not have an embassy or consulate in Syria.
 - Additional questions regarding consular assistance should be referred to the Department of Foreign Affairs and Trade.

Repatriations

- In October 2022, the Australian Government repatriated four Australian women and their 13 Australian children from an IDP camp in Syria to New South Wales.
- All repatriations were voluntary and undertaken with the informed consent of the individuals.
- These families continue to be supported by a full range of Commonwealth and NSW services.
- The Australian Government's ability to provide consular assistance to those remaining in Syria is severely limited, due to the extremely dangerous security situation and because we do not have an embassy or consulate in Syria.
 - The security situation in Syria and the Middle East has significantly deteriorated since the 2022 repatriations were undertaken.
 - There are many security, diplomatic, community and welfare considerations that need to be considered.

Save the Children Australia v Minister for Home Affairs & Anor

- On 3 November 2023, the Federal Court found the Commonwealth does not have control over the Australian women and children detained in north-east Syria.
 - The Court dismissed Save the Children Australia's application for a writ of habeas corpus, which requires a detained person to be brought before a court to ascertain the lawfulness of their detention.
- On 18 June 2024, the Full Federal Court dismissed Save the Children's appeal.
- On 16 July 2024, Save the Children Australia applied for special leave to appeal to the High Court.
 - The High Court of Australia dismissed the application for special leave to appeal following a hearing on 23 September 2024.

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- The Department leads a whole-of-government interagency forum, which allows for timely information sharing with partner agencies.
- Additionally, the Australian Government has a range of measures that are considered in managing Australians offshore who pose a terrorism risk, such as:
 - Temporary Exclusion Orders,
 - return permits with certain pre- and/or post-entry conditions imposed,
 - disengagement programs, and
 - criminal offences.
- The provision of consular assistance to Australians of CT interest offshore or their families is a matter for the Department of Foreign Affairs and Trade.

Impact of the *Australian Citizenship Amendment (Citizenship Repudiation) Act 2023* on men and women in Syria

- The Act enables the Minister to make an application to a court for an order to cease a person's Australian citizenship, where that person is a dual national and other criterion are satisfied.
 - This must include that the person has been convicted of one or more serious offences, such as terrorism, espionage or treason.

Consultation

- Legal Group, Department of Home Affairs

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**Home Affairs Portfolio
Department of Home Affairs
Additional Estimates Hearing – February 2025**

KEY BRIEF**Topic: Foreign Interference****Responsible Deputy:** Nathan Smyth, National Security and Resilience**Key top lines**

- Espionage and foreign interference is one of Australia's principal security concerns.
- Left unchecked, foreign interference can have a corrosive impact on our national security, undermine democracy, and threaten our social cohesion and economic prosperity.
- Australia's approach to countering foreign interference is country-agnostic and recognises the need for a whole of nation effort to raise the cost and reduce the benefit to foreign actors interfering in Australian society.
- The National Counter Foreign Interference Coordinator (NCFIC), supported by the Counter Foreign Interference Coordination Centre (CFICC), works across government and non-government sectors to strengthen arrangements to counter foreign interference.

Handling Notes:

- Nathan Smyth as NCFIC, will be the lead witness. He will be supported by A/g FAS CFICC, David Chick.
- The Commonwealth's CFI Taskforce, jointly led by the Australian Security Intelligence Organisation (ASIO) and the Australian Federal Police (AFP), leads the operational response to foreign interference.
- The Attorney-General's Department administers the foreign interference offences under the *Criminal Code Act 1995*.

Key points*Role of the NCFIC and CFICC*

- The NCFIC works across government and non-government sectors to strengthen arrangements and partnerships to counter foreign interference. The NCFIC is responsible for developing approaches to deter and prevent foreign interference in Australia by increasing resilience and raising awareness.
 - The NCFIC also Chairs the University Foreign Interference Taskforce (UFIT) and the CFI Executive Board.
 - The UFIT meets quarterly, with meetings in 2024 held on 29 February, 11 June, 12 September and 17 December. The next UFIT Steering Group meeting will be held on 13 March 2025.
 - The CFI Executive Board meets quarterly, with recent meetings held on 18 March 2024, 8 July 2024, 30 September 2024 and 6 February 2025.

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- The CFICC coordinates Australia's whole of government efforts to respond to acts of foreign interference, through the administration of the CFI strategy, policy development and outreach efforts to at-risk sectors.

Strengthening resilience to community interference

- Commonwealth government, law enforcement and intelligence agencies, with state and territory law enforcement, work closely together to engage with, and support, communities concerned or affected by foreign interference.
- The Department's (12) state-based counter foreign interference engagement officers meet with a wide range of stakeholders including state and territory First Ministers Departments, local government, education and cultural institutions, and peak community organisations to build awareness of, and resilience to, the threat of foreign interference.

Protecting our democratic institutions – elections

- Protecting the integrity of Australia's electoral system from foreign interference is critical in maintaining public trust in Australia's democratic processes.
- The Electoral Integrity Assurance Taskforce (EIAT), led by the Australian Electoral Commission, safeguards the integrity of electoral events from threats, which include malicious cyber activity, physical harms, electoral fraud and foreign interference.
- Home Affairs continues to work with state and territory electoral commissions through the EIAT to provide support for their elections.

Protecting our democratic institutions – state, territory and local

- The Department continues to advance national CFI efforts across the Commonwealth, and Australian states and territories through a network of state-based national engagement teams.

Safeguarding education and research from foreign interference

- The University Foreign Interference Taskforce (UFIT) is the primary mechanism for engagement on government-university CFI-related activities.
- CFICC and other government agencies work closely with the university sector through the UFIT Steering Group to support implementation of the collaboratively developed Guidelines to Counter Foreign Interference in the Australian University Sector released in November 2021.

Government measures to counter foreign interference

- The Australian Government has invested \$71.6 million over the next four years from FY 2024-2025 to strengthen Australia's ability to disrupt foreign interference and espionage threats. This includes:
 - making the CFI Taskforce a permanent part of our security architecture;
 - ensuring our legal and preventative frameworks are fit for purpose;
 - standing up a Technology Interference Taskforce; and
 - strengthening capacity of our critical minerals sector to protect against foreign interference.

Key Brief Number: NSR-03*CFI budget and staffing – FY 24-25 (December YTD - 1 July 2024 to 31 December 2024)*

- In FY 2024–25, CFICC was allocated a total budget of **\$6.3 million**.
- CFICC's internal funding allocation for FY 2024–25 is inclusive of **\$0.8 million** New Policy Proposal (NPP) funding to malign information related activities (a portion of the Strategic Communication Response to Malign Information that Impacts Social Cohesion NPP from the 2020–21 Budget).
- The Financial Year 2024-25 staffing budget allocation is **\$5.7 million**.
 - December Year to date expenditure on staffing (1 July 2024 to 31 December 2024) is **\$2.2 million** – these figures do not include SES officers and secondees.
- The FY 2024-25 supplier budget allocation is **\$0.6 million**.
 - December Year to date supplier expenses (1 July 2024 to 31 December 2024) is **\$0.1 million**.
- The FY 2024-25 Average Staffing Level (ASL) allocation for CFICC is **38**.
 - December Year to date Average Staffing Level (1 July 2024 to 31 December 2024) is **31** (excluding SES officers; including state and territory coordination officers).

CFI budget and staffing – FY23-24

- In 2023–24, CFICC was allocated a total budget of **\$6.0 million**.
- CFICC's internal funding allocation for FY 2023–24 was inclusive of **\$0.9 million** New Policy Proposal (NPP) funding to malign information related activities (a portion of the Strategic Communication Response to Malign Information that Impacts Social Cohesion NPP from the 2020–21 Budget).
- The Financial Year 2023–24 staffing budget allocation was **\$5.6 million**.
 - FY23-24 expenditure on staffing (1 July 2023 to 30 June 2024) was **\$4.7 million** – these figures do not include SES officers and secondees.
- The 2023–24 supplier budget allocation was **\$0.4 million**.
 - Actual supplier expenses (1 July 2023 to 30 June 2024) was **\$0.6 million**.
- The FY 2023–24 Average Staffing Level allocation for CFICC was **40**.
 - Actual Average Staffing Level (1 July 2023 to 30 June 2024) was **35**. (excluding SES officers; including state and territory coordination officers).

Consultation

The Assistant Secretary of the Management Accounting Branch has cleared the information in this brief.