

COO BACK POCKET BRIEF

**Home Affairs Portfolio
Department of Home Affairs
Supplementary Estimates Hearing – October 2025**

Topic: Machinery of Government Changes

Division: Finance Division

Transfer of law enforcement policy and operations functions from the Attorney-General's portfolio to the Home Affairs portfolio

KEY HEADLINE FACTS AND FIGURES

- On 13 May 2025, new Administrative Arrangement Orders (AAO) resulted in the transfer of law enforcement policy and operations functions from the Attorney-Generals' portfolio to the Home Affairs portfolio. The transfers were effective from 13 May 2025.
- The transfers were in the order of \$60 million in 2025-26 with 167 staff across:
 - Criminal Law Policy;
 - High Tech Crime;
 - Transnational Crime;
 - High Risk Terrorism Offenders (HRTTO);
 - National Security Information;
 - Security Law and Policy.
- The Australian Federal Police, Australian Security Intelligence Organisation, Australian Transaction Reports and Analysis Centre, Australian Crime Commission and Australian Institute of Criminology transferred from the Attorney-General's portfolio to the Home Affairs portfolio.

Departmental AAO and Function Transfers (Attachment A)

- Subsequent changes were made to the AAO on 26 June 2025, effective on 1 July 2025, to transfer responsibility for account takeover warrants under the *Crimes Act 1914* and the *Public Order (Protection of Persons and Property) Act 1971*, along with responsibility for the *Crimes (Aviation) Act 1991*.
- A MoG Taskforce was established within COO Group to manage the logistics of the MoG.
- There are four systems identified to be transitioned from AGD to Home Affairs. These systems support the Firearms and Illicit Drug function, Telecommunications intelligence function and Terrorist Offenders function. These systems are undergoing final planning stage to transition to Home Affairs, then appropriate transition in activities will commence, ensuring a safe and secure transition occurs.

Clearing Officer: Andrew Harvey, Chief Financial Officer

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Staffing and Finance Transfers (COO Group) (Attachment B)

- 167 employees were moved between AGD and the Department through Determinations made under s72 of the *Public Service Act 1999*, comprising 162 ongoing and 5 non-ongoing employees. The majority of staff transferred on 17 July 2025, with subsequent transfers effective on 5 August 2025 and 14 August 2025.
- While some employees physically relocated to Home Affairs accommodation in the regions and National Office, most impacted staff remain located within the AGD building in Barton in the short term.
- These employees relocated to s. 33(a)(i) on 19 September 2025.
- The transfer of funds is currently being finalised along the following lines:
 - Full year departmental funding of \$32.0 million for 2025-26; and
 - Administered appropriations of \$26.7 million for 2025-26.
- The transfer of functions included the Proceeds of Crime (POCA) Special Account. Responsibility for the POCA Special Account transferred on 1 September 2025. The transfer did not occur on the date of the AAO as changes to the underlying PGPA Determination were subject the disallowance period in Parliament.
- The POCA Special Account had a balance of \$33.3 million at the time of transfer.
- The resourcing (ASL and funding) transfers will be reflected in the 2025-26 Portfolio Additional Estimates Statements.
- Summary level subsequent event and restructuring disclosures were made in the 2024-25 financial statements with full restructuring disclosures to be reported in the 2025-26 financial statements.

Key dates – Machinery of Government

- **13 May 2025:** Announcement of AAO.
- **20 June 2025:** Initial Section 75 (s75) to transfer appropriation was signed.
- **16 July 2025:** s72 instrument signed off by APSC for transfer of 153 employees.
- **17 July 2025:** 153 ongoing and 5 non-ongoing employees from AGD formally transferred to the Department of Home Affairs as part of the MoG changes.
- **21 July 2025:** Transferred employees commence within Department of Home Affairs (DHA) systems.
- **4 and 13 August 2025:** two additional s72 instruments signed off by APSC for transfer of 9 further employees, including corporate contribution.
 - **October 2025:** Final s75 transfer is expected to be signed.
 - **Late 2025/early 2026:** Anticipate system transfers, determined by legislative and system requirements.

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Historical MOG Changes

- Transfer of ASIO from the Home Affairs to Attorney-General's portfolio (29 July 2024)
 - To AGD: ASIO policy and legislative functions totalling around \$1.2 million per year and 7 FTEs.
- Transfers between AGD and the Department under AAOs (3 August 2023)
 - To AGD: Identity Matching Services, Identity and Biometrics Delivery and Identity and Biometrics Policy and Strategy (IDMS) totalling around \$35-40 million per year and 39 FTE; and
 - From AGD: Protective Security Policy and Government and Major Events Security (PSPF) with around \$25 million in 2023-24, and reducing to \$5 million in 2026-27, and between 20 and 30 FTE.
- Transfer from Digital Transformation Agency (DTA) to Department (1 May 2023)
 - Cyber related functions transferred from DTA to the Department in support of the Government's response to the Mrdak Review totalling around \$0.5 million per year and s. 47F(1)
 - Specifically, DTA's functions relating to cyber security policy or risk management, Hardening Government IT (HGIT) and supporting governance, and incident response oversight moved to the Department.
- Addition of 'cybercrime' to AAOs (13 October 2022)
 - The changes included 'cybercrime' being added to the matters dealt with by AGD to clarify that AGD has responsibility for cybercrime.
 - Activities related to the Cybercrime Capability Fund and the National Plan to Combat Cybercrime subsequently transferred from the Department to AGD in early 2023, amounting to \$4 million 2022-23 rising to \$12 million in 2025-26 and s. 47F(1)
- Transfers of functions between the Department to AGD, NEMA and Prime Minister and Cabinet (PM&C) Portfolio (1 July 2022):
 - To AGD, amounting to \$231 million 2022-23 decreasing to \$25 million in 2025-26 and FTE starting at 170 dropping to 119:
 - criminal and law enforcement policy and operations;
 - modern slavery functions;
 - The Protective Security Coordination centre; and
 - Counter-terrorism activities including High Risk Terrorism Offenders.
 - From PM&C: the National Recovery and Resilience Agency (NRRA), which was subsequently abolished and replaced by the National Emergency Management Agency (NEMA) on 1 September 2022.

- To NEMA: Emergency management functions from 1 September 2022, with ongoing annual funding of around \$56 million and 104 FTE.

Consultation

Performance Governance & Inquiries Branch was consulted in the development of this brief.

Attachments

Attachment A – AAO 13 May 2025 and 26 June 2025 Excerpts

Attachment B – Agreed Budget Summary – AGD 2025

Additional Information

Statistic and Financial Reporting Period:

Statistics Date Ranges	
Since last hearing	1 February 2025 – 31 August 2025
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Functions Transferring to Home Affairs 2025**Operational and Policy**

Funding excluding POCA funded Electronic Surveillance Reform	\$
Security and Counter Terrorism Division funding	(\$16,027,137)
Criminal Justice Division Funding	(\$10,249,835)
Total Funding (Top Down model)	(\$26,276,972)

Requested expenses excluding POCA funded Electronic Surveillance Reform	\$
Suppliers	\$8,785,925
Employees	\$20,303,895
Total Expenses	\$29,089,820

POCA funded Electronic Surveillance Reform work	\$
Expenses	\$3,340,009
Funding sought from POCA	(\$3,340,009)

Corporate and Overheads

Overheads using the NPP template	based on funded 1
	Funded \$
Department Wide Expenses	\$2,230,219
Enabling Services Group	\$1,792,287
Total Overhead contribution on 113.8 ASL	(\$4,022,506)

ESG specific funding - NPPs	\$
National Firearms Registry NPP funding	(\$1,737,805)
Expected costs on Firearms Register	\$1,737,805

Notes on ASL/headcount (excluding Corporate)

section 72 list includes	158
included in this list are staff on long leave	12
	146
Budget ask	132
plus POCA funded	16
	148
2024-25 ASL Forecast	142

Notes on funding

DFAT funding for 2 PNG positions not included above.

POCA funding requires approval from HA Minister.

In 2024-25 SCTD provided budget coverage to CJD and will not operate at a combined loss.

Budget ask for SCTD includes supplier expenses that are may not be required and would provide coverage

Any ongoing hosting of staff / IT will be subject to MOUs between HA and AGD for the duration of these a

There are outstanding invoices from prior MOUs that AGD will seek to offset from funding transfer

ASL	source
	<i>See Summary of Funding tab</i>
	<i>See Summary of Funding tab</i>
113.8	

ASL	source
	<i>25-26 bottom-up budget ask less 10% (standard haircut).</i>
132.1	<i>25-26 bottom-up budget of ask of 151.4 ASL less 15% vacancy rate</i>
132.1	
ASL	
16.0	<i>25-26 POCA funding request and costing</i>

13.8 ASL
Funded ASL
-
11.7
11.7
ASL
-
<i>NPP funding for work on Firearms Register, balance in CJD</i>

headcount
headcount
active head count
ASL
ASL

ASL

to CJD.
arrangements

Figures in the following table are derived from the department's top-down budget module for divisional funding and the NPP template applied for overheads. The budget module tracks incoming budget from prior MoGs, adjusting for indexation and savings measures and any new or terminating NPPs.

	2025-26		2026-27		2027-28		2028-29	
	\$	ASL	\$	ASL	\$	ASL	\$	ASL
SCTD funding	\$16,027,137	113.8	\$1,116,570	59.1	\$1,125,721	59.1	\$1,134,962	52.4
CID Funding	\$10,249,835		\$9,447,170		\$9,368,110		\$8,405,270	
ID funding	\$1,737,805	-	\$271,913	-	\$510,052	-	-	-
Overheads ESG	\$1,792,287	11.7	\$943,600	6.1	\$951,913	6.2	\$854,775	5.6
Overheads DWE	\$2,230,219	-	\$1,173,574	-	\$1,183,538	-	\$1,062,281	-
Total Dept Operating Funding	\$32,037,283	125.5	\$12,952,828	65.2	\$13,139,333	65.3	\$11,457,287	58.0
Total Administered Funding	\$26,738,000	-	\$4,804,000	-	\$2,147,000	-	\$2,194,000	-
Total Dept Capital Funding	-	-	-	-	-	-	-	-

The above CID total is slightly different to the top-down tab (approx. \$12k to \$40k different depending on the year you look at). This is because the Top Down funding for CID shows the Cybercrime amount transferred in by ISCD, whereas this tab uses the amount we were sent from HA in 2022 (ie. HA sent us \$783,126 but ISCD transferred \$795,419 to CID when the function transferred internally).

POCA funded Independent Revenue and Expenses

Expenses	\$3,340,009	16.0	\$3,289,032	16.0	\$1,089,840	8.0	-	-
Revenue	(\$3,340,009)		(\$3,289,032)		(\$1,089,840)		-	-
Net position	-		-		-		-	-

SCHEDULE

ADMINISTRATIVE ARRANGEMENTS

PART 2 THE ATTORNEY-GENERAL'S DEPARTMENT

Matters dealt with by the Department

Law and justice including -

- Administrative law
- Alternative dispute resolution
- Constitutional law
- Courts and tribunals
- Human rights
- International law
- Law reform
- Legal assistance
- Legislative drafting
- Marriage and family law

Legal services to the Commonwealth

Administration of criminal justice, including -

- Criminal law policy and principles of criminal responsibility
- Matters relating to prosecution
- Sentencing and management of federal offenders
- International crime co-operation, including extradition and mutual assistance in criminal matters

Identity and biometrics

Administrative support for Royal Commissions and certain other inquiries

Privacy

Freedom of Information

Native title

Fraud and anti-corruption policy

Whole of government integrity policy and activities

Copyright

National child sexual abuse policy and strategy

Modern Slavery

Legislation administered by the Minister

Aboriginal and Torres Strait Islander Heritage Protection Act 1984, section 30

Aboriginal Land Rights (Northern Territory) Act 1976, sections 54C and 74A

A.C.T. Supreme Court (Transfer) Act 1992

Acts and Instruments (Framework Reform) Act 2015

Acts Interpretation Act 1901

Administrative Decisions (Judicial Review) Act 1977
Administrative Review Tribunal Act 2024
Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024
Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024
Admiralty Act 1988
Age Discrimination Act 2004
Australia Act 1986
Australia (Request and Consent) Act 1985
Australian Crime Commission Act 2002, section 27
Australian Human Rights Commission Act 1986
Australian Information Commissioner Act 2010
Australian Law Reform Commission Act 1996
Australian Security Intelligence Organisation Act 1979, section 34JE
Circuit Layouts Act 1989
Civil Dispute Resolution Act 2011
Coastal Waters (Northern Territory Powers) Act 1980
Coastal Waters (Northern Territory Title) Act 1980
Coastal Waters (State Powers) Act 1980
Coastal Waters (State Title) Act 1980
Common Informers (Parliamentary Disqualifications) Act 1975
Commonwealth Motor Vehicles (Liability) Act 1959
Commonwealth Places (Application of Laws) Act 1970
Competition and Consumer Act 2010, section 170
Copyright Act 1968
Corporations Act 2001, paragraph 1315(1)(c) and section 1316
Courts Administration Legislation Amendment Act 2016
Court Security Act 2013
Courts and Tribunals Legislation Amendment (Administration) Act 2013
Crimes Act 1914, except to the extent administered by the Minister responsible for Home Affairs
Crimes at Sea Act 2000
Crimes (Aviation) Act 1991
Crimes (Biological Weapons) Act 1976
Crimes (Currency) Act 1981
Crimes (Hostages) Act 1989
Crimes (Internationally Protected Persons) Act 1976
Crimes (Overseas) Act 1964
Crimes (Ships and Fixed Platforms) Act 1992
Crimes (Superannuation Benefits) Act 1989
Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990
Criminal Code Act 1995
Death Penalty Abolition Act 1973
Defence Act 1903, Part IIIAAA insofar as it relates to the powers or functions of the Attorney-General as an authorising minister
Defence Force Discipline Appeals Act 1955
Defence (Visiting Forces) Act 1963
Director of Public Prosecutions Act 1983

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Disability Discrimination Act 1992
Domicile Act 1982
Electronic Transactions Act 1999
Environment Protection (Northern Territory Supreme Court) Act 1978
Euthanasia Laws Act 1997
Evidence Act 1995
Extradition Act 1988
Fair Work Act 2009, Part 4-2 but not section 569
Fair Work (Registered Organisations) Act 2009, section 324-328 inclusive of
 Schedule 1 in respect of powers under those sections
Family Court of Western Australia (Orders of Registrars) Act 1997
Family Law Act 1975, except to the extent administered by the Minister
 responsible for Social Services
*Family Law Amendment (Western Australia De Facto Superannuation Splitting
 and Bankruptcy) Act 2020*
Federal Circuit and Family Court of Australia Act 2021, except to the extent
 administered by the Minister responsible for Finance
*Federal Circuit and Family Court of Australia (Consequential Amendments and
 Transitional Provisions) Act 2021*
Federal Circuit Court of Australia (Consequential Amendments) Act 2013
Federal Circuit Court of Australia Legislation Amendment Act 2012
Federal Court of Australia Act 1976
Federal Proceedings (Costs) Act 1981
Foreign Evidence Act 1994
Foreign Influence Transparency Scheme Act 2018
Foreign Judgments Act 1991
Foreign Proceedings (Excess of Jurisdiction) Act 1984
Foreign States Immunities Act 1985
Freedom of Information Act 1982
Geneva Conventions Act 1957, other than Part IV
Genocide Convention Act 1949
High Court Justices (Long Leave Payments) Act 1979
High Court of Australia Act 1979
*Human Rights and Equal Opportunity Commission (Transitional Provisions and
 Consequential Amendments) Act 1986*
Human Rights (Parliamentary Scrutiny) Act 2011
Human Rights (Sexual Conduct) Act 1994
Identity Verification Services Act 2023
Independent National Security Legislation Monitor Act 2010
Inspector-General of Intelligence and Security Act 1986
International Arbitration Act 1974
International Criminal Court Act 2002, except to the extent administered by the
 Minister responsible for Foreign Affairs
International Transfer of Prisoners Act 1997
International War Crimes Tribunals Act 1995
Investigation and Prosecution Measures Act 2018
Judges (Long Leave Payments) Act 1979
Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012
Judiciary Act 1903

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Jurisdiction of Courts (Cross-vesting) Act 1987
Jury Exemption Act 1965
Law Courts (Sydney) Act 1977
Law Officers Act 1964
Legislation Act 2003
Maintenance Orders (Commonwealth Officers) Act 1966
Marine Insurance Act 1909
Marriage Act 1961, except to the extent administered by the Minister responsible for Social Services
Marriage Amendment (Definition and Religious Freedoms) Act 2017
Marriage (Celebrant Registration Charge) Act 2014
Modern Slavery Act 2018
Mutual Assistance in Criminal Matters Act 1987
National Anti-Corruption Commission Act 2022
National Security Information (Criminal and Civil Proceedings) Act 2004
Native Title Act 1993, except to the extent administered by the Minister responsible for Indigenous Affairs
Ombudsman Act 1976
Parliamentary Counsel Act 1970
Parliamentary Joint Committee on Law Enforcement Act 2010
Parliamentary Papers Act 1908
Parliamentary Privileges Act 1987
Privacy Act 1988, except to the extent administered by the Treasurer
Privy Council (Appeals from the High Court) Act 1975
Privy Council (Limitation of Appeals) Act 1968
Public Interest Disclosure Act 2013
Racial Discrimination Act 1975
Regulatory Powers (Standardisation Reform) Act 2017
Regulatory Powers (Standard Provisions) Act 2014
Removal of Prisoners (Territories) Act 1923, insofar as it relates to the release of prisoners and criminal lunatics removed from the Northern Territory of Australia
Royal Commissions Act 1902
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008, except to the extent administered by the Minister responsible for Finance
Seas and Submerged Lands Act 1973
Service and Execution of Process Act 1992
Sex Discrimination Act 1984
Special Prosecutors Act 1982
Statute of Westminster Adoption Act 1942
Statute Stocktake Act 1999
Statutory Declarations Act 1959
Transfer of Prisoners Act 1983
Trans-Tasman Proceedings Act 2010
Trans-Tasman Proceedings (Transitional and Consequential Provisions) Act 2010
Tribunals Amalgamation Act 2015
Trusts (Hague Convention) Act 1991
War Crimes Act 1945

PART 10 THE DEPARTMENT OF HOME AFFAIRS

Matters dealt with by the Department

Immigration and migration, including -
 border security
 entry, stay and departure arrangements for non-citizens
 customs and border control other than quarantine and inspection
 Citizenship
 Ethnic affairs
 Law enforcement policy and operations
 National security policy and operations
 Multicultural affairs
 Protective security policy and coordination
 Protective services at Commonwealth establishments and diplomatic and consular premises in Australia
 Social cohesion
 Transport security
 Cyber security policy and co-ordination
 Cybercrime
 Critical infrastructure protection and co-ordination
 Commonwealth emergency management
 Arrangements for the settlement of migrants and humanitarian entrants
 Adult migrant education
 All hazards relief, recovery and mitigation policy and financial assistance including payments to the States and Territories and the Australian Government
 Disaster Recovery Payment

Legislation administered by the Minister

Anti-Money Laundering and Counter-Terrorism Financing Act 2006
AusCheck Act 2007
Australian Border Force Act 2015
Australian Citizenship Act 2007
Australian Citizenship (Transitionals and Consequentials) Act 2007
Australian Crime Commission Act 2002, with the exception of section 27
Australian Crime Commission Establishment Act 2002
Australian Crime Commission (National Policing Information Charges) Act 2016
Australian Federal Police Act 1979
Australian Security Intelligence Organisation Act 1979, with the exception of section 34JE
Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011
Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011
Aviation Transport Security Act 2004
Commerce (Trade Descriptions) Act 1905
Counter-Terrorism (Temporary Exclusion Orders) Act 2019
Crimes Act 1914, Parts IAA, IAAA, IAAB, IAAC, IAB, IAC, IACA, IC, ID, IE, IIA, IV and VIIA

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Criminology Research Act 1971
Customs Act 1901, other than Part XVB and Part XVC
Customs Licensing Charges Act 1997
Customs Securities (Penalties) Act 1981
Customs Tariff Act 1995
Customs Undertakings (Penalties) Act 1981
Cyber Security Act 2024
Home Affairs Act 2023
Immigration (Education) Act 1971
Immigration (Guardianship of Children) Act 1946
Import Processing Charges Act 2001
Inspector of Transport Security Act 2006
Intelligence Services Act 2001, insofar as it relates to the Australian Security Intelligence Organisation
Maritime Powers Act 2013
Maritime Transport and Offshore Facilities Security Act 2003
Migration Act 1958
Migration Agents Registration Application Charge Act 1997
Migration (Skilling Australians Fund) Charges Act 2018
Migration (Sponsorship Fees) Act 2007
Migration (Visa Application) Charge Act 1997
Migration (Visa Pre-application Process) Charge Act 2023
National Crime Authority (Status and Rights of Former Chairman) Act 1984
National Emergency Declaration Act 2020
National Emergency Declaration (Consequential Amendments) Act 2020
Passenger Movement Charge Act 1978
Passenger Movement Charge Collection Act 1978
Proceeds of Crime Act 1987
Proceeds of Crime Act 2002
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002
Public Health (Tobacco and Other Products) Act 2023, Chapter 6A
Public Order (Protection of Persons and Property) Act 1971
Psychotropic Substances Act 1976
Security of Critical Infrastructure Act 2018
Social Security Act 1991, insofar as it relates to the Australian Victim of Terrorism Overseas Payment, the Australian Government Disaster Recovery Payment and the Disaster Recovery Allowance
Social Security (Administration) Act 1999, insofar as it relates to the Australian Victim of Terrorism Overseas Payment, the Australian Government Disaster Recovery Payment and the Disaster Recovery Allowance
Surveillance Devices Act 2004
Surveillance Legislation (Confirmation of Application) Act 2024
Telecommunications (Interception and Access) Act 1979
Witness Protection Act 1994

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Attachment B – Agreed Budget Summary – AGD 2025

Attachment C – Additional MOG information – Direct Costs

Additional Information

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SCHEDULE

ADMINISTRATIVE ARRANGEMENTS

PART 2 THE ATTORNEY-GENERAL'S DEPARTMENT

Matters dealt with by the Department

Law and justice including -

Administrative law

Alternative dispute resolution

~~Bankruptcy~~

Constitutional law

Courts and tribunals

Human rights

International law

Law reform

Legal assistance

Legislative drafting

Marriage and family law

~~Personal property securities~~

Legal services to the Commonwealth

~~Law enforcement policy and operations~~

Administration of criminal justice, including -

Criminal law policy and principles of criminal responsibility

Matters relating to prosecution

Sentencing and management of federal offenders

International crime co-operation, including extradition and mutual assistance in criminal matters

Identity and biometrics

~~Cybercrime~~

Administrative support for Royal Commissions and certain other inquiries

Privacy

Freedom of Information

Native title

Fraud and anti-corruption policy

Whole of government integrity policy and activities

Copyright

National child sexual abuse policy and strategy

Modern Slavery

Legislation administered by the Minister

Aboriginal and Torres Strait Islander Heritage Protection Act 1984, section 30
Aboriginal Land Rights (Northern Territory) Act 1976, sections 54C and 74A
A.C.T. Supreme Court (Transfer) Act 1992
Acts and Instruments (Framework Reform) Act 2015
Acts Interpretation Act 1901
~~*Administrative Appeals Tribunal Act 1975*~~
Administrative Decisions (Judicial Review) Act 1977
~~*Administrative Review Tribunal Act 2024*~~
~~*Administrative Review Tribunal (Consequential and Transitional Provisions*~~
~~*No. 1) Act 2024*~~
~~*Administrative Review Tribunal (Consequential and Transitional Provisions*~~
~~*No. 2) Act 2024*~~
Admiralty Act 1988
Age Discrimination Act 2004
~~*Anti-Money Laundering and Counter-Terrorism Financing Act 2006*~~
Australia Act 1986
Australia (Request and Consent) Act 1985
Australian Crime Commission Act 2002, section 27
~~*Australian Crime Commission Establishment Act 2002*~~
~~*Australian Crime Commission (National Policing Information Charges) Act 2016*~~
~~*Australian Federal Police Act 1979*~~
Australian Human Rights Commission Act 1986
Australian Information Commissioner Act 2010
Australian Law Reform Commission Act 1996
Australian Security Intelligence Organisation Act 1979, section 34JE
~~*Australian Transaction Reports and Analysis Centre Industry Contribution Act*~~
~~*2011*~~
~~*Australian Transaction Reports and Analysis Centre Industry Contribution*~~
~~*(Collection) Act 2011*~~
~~*Bankruptcy Act 1966*~~
~~*Bankruptcy (State Charges) Act 1997*~~
Circuit Layouts Act 1989
Civil Dispute Resolution Act 2011
Coastal Batters (Northern Territory Powers) Act 1980
Coastal Batters (Northern Territory Title) Act 1980
Coastal Batters (State Powers) Act 1980
Coastal Batters (State Title) Act 1980
Common Informers (Parliamentary Disqualifications) Act 1975
Commonwealth Motor Vehicles (Liability) Act 1959
Commonwealth Places (Application of Laws) Act 1970
Competition and Consumer Act 2010, section 170
Copyright Act 1968
Corporations Act 2001, paragraph 1315(1)(c) and section 1316
Courts Administration Legislation Amendment Act 2016
Court Security Act 201E
Courts and Tribunals Legislation Amendment (Administration) Act 201E

Crimes Act 1914, except to the extent administered by the Minister responsible for Home Affairs

Crimes at Sea Act 2000

~~*Crimes (Aviation) Act 1991*~~

Crimes (Biological Weapons) Act 1976

Crimes (Currency) Act 1981

Crimes (Hostages) Act 1989

Crimes (Internationally Protected Persons) Act 1976

Crimes (Overseas) Act 1964

Crimes (Ships and Fixed Platforms) Act 1992

Crimes (Superannuation Benefits) Act 1989

Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990

Criminal Code Act 1995

~~*Criminology Research Act 1971*~~

Death Penalty Abolition Act 1976

Defence Act 1906, Part IIIAAA insofar as it relates to the powers or functions of the Attorney-General as an authorising minister

Defence Force Discipline Appeals Act 1955

Defence (Visiting Forces) Act 1966

Director of Public Prosecutions Act 1986

Disability Discrimination Act 1992

Domicile Act 1982

Electronic Transactions Act 1999

Environment Protection (Northern Territory Supreme Court) Act 1978

Euthanasia Laws Act 1997

Evidence Act 1995

Migration Act 1988

Fair Work Act 2009, Part 4-2 but not section 569

Fair Work (Registered Organisations) Act 2009, section 324-328 inclusive of Schedule 1 in respect of powers under those sections

Family Court of Western Australia (Orders of Registrars) Act 1997

Family Law Act 1975, except to the extent administered by the Minister responsible for Social Services

Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020

Federal Circuit and Family Court of Australia Act 2021, except to the extent administered by the Minister responsible for Finance

Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021

Federal Circuit Court of Australia (Consequential Amendments) Act 2016

Federal Circuit Court of Australia Legislation Amendment Act 2012

Federal Court of Australia Act 1976

Federal Proceedings (Costs) Act 1981

~~*Financial Transaction Reports Act 1988*~~

Foreign Evidence Act 1994

Foreign Influence Transparency Scheme Act 2018

Foreign Judgments Act 1991

Foreign Proceedings (Access of Jurisdiction) Act 1984

Foreign States Immunities Act 1985
Freedom of Information Act 1982
 - *Geneva Conventions Act 1957*, other than Part IV
 - *Genocide Convention Act 1949*
High Court Justices (Long Leave Payments) Act 1979
High Court of Australia Act 1979
Human Rights and Equal Opportunity Commission (Transitional Provisions and Consequential Amendments) Act 1986
Human Rights (Parliamentary Scrutiny) Act 2011
Human Rights (Sexual Conduct) Act 1994
Identity Verification Services Act 2022
Independent National Security Legislation Monitor Act 2010
Inspector General of Intelligence and Security Act 1986
~~*Inspector of Transport Security Act 2006*~~
International Arbitration Act 1974
~~*Intelligence Services Act 2001, insofar as it relates to the Australian Security Intelligence Organisation*~~
International Criminal Court Act 2002, except to the extent administered by the Minister responsible for Foreign Affairs
International Transfer of Prisoners Act 1997
International Bar Crimes Tribunals Act 1995
Investigation and Prosecution Measures Act 2018
Judges (Long Leave Payments) Act 1979
Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012
Judiciary Act 1903
Jurisdiction of Courts (Cross-Vesting) Act 1987
Jury Exemption Act 1965
Law Courts (Sydney) Act 1977
~~*Law Enforcement Integrity Commissioner Act 2006*~~
~~*Law Enforcement (AFP Professional Standards and Related Measures) Act 2006*~~
Law Officers Act 1964
Legislation Act 2003
Maintenance Orders (Commonwealth Officers) Act 1966
Marine Insurance Act 1909
Marriage Act 1961, except to the extent administered by the Minister responsible for Social Services
Marriage Amendment (Definition and Religious Freedoms) Act 2017
Marriage (Celebrant Registration Charge) Act 2014
Modern Slavery Act 2018
Mutual Assistance in Criminal Matters Act 1987
National Anti-Corruption Commission Act 2022
~~*National Crime Authority (Status and Rights of Former Chairman) Act 1984*~~
National Security Information (Criminal and Civil Proceedings) Act 2004
Native Title Act 1993, except to the extent administered by the Minister responsible for Indigenous Affairs
~~*Nauru (High Court Appeals) Act 1976*~~
Ombudsman Act 1976
Parliamentary Counsel Act 1970

Parliamentary Joint Committee on Law Enforcement Act 2010
Parliamentary Papers Act 1908
Parliamentary Privileges Act 1987
~~*Personal Property Securities Act 2009*~~
Privacy Act 1988, except to the extent administered by the Treasurer
Privy Council (Appeals from the High Court) Act 1975
Privy Council (Limitation of Appeals) Act 1968
Public Interest Disclosure Act 201E
~~*Proceeds of Crime Act 1987*~~
~~*Proceeds of Crime Act 2002*~~
~~*Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002*~~
Public Vrder (Protection of Persons and Property) Act 1971
Racial Discrimination Act 1975
Regulatory Powers (Standardisation Reform) Act 2017
Regulatory Powers (Standard Provisions) Act 2014
Removal of Prisoners (Territories) Act 192E, insofar as it relates to the release of prisoners and criminal lunatics removed from the Northern Territory of Australia
Royal Commissions Act 1902
SameG Relationships (Mqual Treatment in Commonwealth Laws—Superannuation) Act 2008, except to the extent administered by the Minister responsible for Finance
Seas and Submerged Lands Act 197E
Service and MExecution of Process Act 1992
SeGDiscrimination Act 1984
Special Prosecutors Act 1982
Statute of B estminster Adoption Act 1942
Statute Stocktake Act 1999
Statutory Declarations Act 1959
~~*Surveillance Devices Act 2004*~~
Transfer of Prisoners Act 198E
~~*Telecommunications (Interception and Access) Act 1979*~~
TransTasman Proceedings Act 2010
TransTasman Proceedings (Transitional and Consequential Provisions) Act 2010
Tribunals Amalgamation Act 2015
Trusts (Hague Convention) Act 1991
B ar Crimes Act 1945
~~*B itness Protection Act 1994*~~

PART 10 THE DEPARTMENT OF HOME AFFAIRS

Matters dealt with by the Department

Immigration and migration, including -
 border security
 entry, stay and departure arrangements for non-citizens
 customs and border control other than quarantine and inspection
 Citizenship
 Ethnic affairs
Law enforcement policy and operations
 National security policy and operations
 Multicultural affairs
~~Transport security~~
~~Cyber~~ Protective security policy and coordination
 Protective services at Commonwealth establishments and diplomatic and consular premises in Australia
Social cohesion
Transport security
Cyber security policy and co-ordination
Cybercrime
 Critical infrastructure protection and co-ordination
 Commonwealth emergency management
 Arrangements for the settlement of migrants and humanitarian entrants
 Adult migrant education
 All hazards relief, recovery and mitigation policy and financial assistance
 including payments to the States and Territories and the Australian Government
 Disaster Recovery Payment
~~Protective security policy~~

Legislation administered by the Minister

AntiMoney Laundering and CounterTerrorism Financing Act 2006
AusCheck Act 2007
Australian Border Force Act 2015
Australian Citizenship Act 2007
Australian Citizenship (Transitionals and Consequentials) Act 2007
Australian Crime Commission Act 2002, with the exception of section 27
Australian Crime Commission Establishment Act 2002
Australian Crime Commission (National Policing Information Charges) Act 2016
Australian Federal Police Act 1979
Australian Security Intelligence Organisation Act 1979, with the exception of section 34JE
Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011
Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011
Aviation Transport Security Act 2004
Commerce (Trade Descriptions) Act 1905

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

CounterTerrorism (Temporary Melusion Vrders) Act 2019
Crimes Act 1914, Parts IAA, IAAA, IAAB, IAB, IAC, IACA, IC, ID, IE, IIA, IV
and VIIA
Crimes (Aviation) Act 1991
Criminology Research Act 1971
 Customs Act 1901, other than Part XVB and Part XVC
 Customs Licensing Charges Act 1997
 Customs Securities (Penalties) Act 1981
 Customs Tariff Act 1995
 Customs Undertakings (Penalties) Act 1981
Cyber Security Act 2024
Home Affairs Act 202E
 Immigration (Mlucation) Act 1971
 Immigration (- uardianship of Children) Act 1946
 Import Processing Charges Act 2001
Inspector of Transport Security Act 2006
Intelligence Services Act 2001, insofar as it relates to the Australian Security
Intelligence Organisation
 Waritime Powers Act 201E
 Waritime Transport and Vffshore Facilities Security Act 200E
 Wigration Act 1958
 Wigration Agents Registration Application Charge Act 1997
Wigration (Health Services) Charge Act 1991
 Wigration (Skilling Australians Fund) Charges Act 2018
 Wigration (Sponsorship Fees) Act 2007
 Wigration (x isa Application) Charge Act 1997
Wigration (x isa PreApplication Process) Charge Act 202E
National Crime Authority (Status and Rights of Former Chairman) Act 1984
 National Mmergency Declaration Act 2020
 National Mmergency Declaration (Consequential Amendments) Act 2020
 Passenger Wovement Charge Act 1978
 Passenger Wovement Charge Collection Act 1978
Proceeds of Crime Act 1987
Proceeds of Crime Act 2002
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act
2002
Public Health (Tobacco and Vther Products) Act 202E, Chapter 6A
 Psychotropic Substances Act 1976
 Security of Critical Infrastructure Act 2018
 Social Security Act 1991, insofar as it relates to the Australian Victim of Terrorism
 Overseas Payment, the Australian Government Disaster Recovery Payment and
 the Disaster Recovery Allowance
 Social Security (Administration) Act 1999, insofar as it relates to the Australian
 Victim of Terrorism Overseas Payment, the Australian Government Disaster
 Recovery Payment and the Disaster Recovery Allowance
Surveillance Devices Act 2004
Surveillance Legislation (Confirmation of Application) Act 2024
Telecommunications (Interception and Access) Act 1979

Business Protection Act 1994

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

Functions Transferring to Home Affairs 2025**Operational and Policy**

Funding excluding POCA funded Electronic Surveillance Reform	\$
Security and Counter Terrorism Division funding	(\$16,027,137)
Criminal Justice Division Funding	(\$10,249,835)
Total Funding (Top Down model)	(\$26,276,972)

Requested expenses excluding POCA funded Electronic Surveillance Reform	\$
Suppliers	\$8,785,925
Employees	\$20,303,895
Total Expenses	\$29,089,820

POCA funded Electronic Surveillance Reform work	\$
Expenses	\$3,340,009
Funding sought from POCA	(\$3,340,009)

Corporate and Overheads

Overheads using the NPP template	based on funded 1
	Funded \$
Department Wide Expenses	\$2,230,219
Enabling Services Group	\$1,792,287
Total Overhead contribution on 113.8 ASL	(\$4,022,506)

ESG specific funding - NPPs	\$
National Firearms Registry NPP funding	(\$1,737,805)
Expected costs on Firearms Register	\$1,737,805

Notes on ASL/headcount (excluding Corporate)

section 72 list includes	158
included in this list are staff on long leave	12
	146
Budget ask	132
plus POCA funded	16
	148
2024-25 ASL Forecast	142

Notes on funding

DFAT funding for 2 PNG positions not included above.

POCA funding requires approval from HA Minister.

In 2024-25 SCTD provided budget coverage to CJD and will not operate at a combined loss.

Budget ask for SCTD includes supplier expenses that are may not be required and would provide coverage

Any ongoing hosting of staff / IT will be subject to MOUs between HA and AGD for the duration of these a

There are outstanding invoices from prior MOUs that AGD will seek to offset from funding transfer

ASL	source
	<i>See Summary of Funding tab</i>
	<i>See Summary of Funding tab</i>
113.8	

ASL	source
	<i>25-26 bottom-up budget ask less 10% (standard haircut).</i>
132.1	<i>25-26 bottom-up budget of ask of 151.4 ASL less 15% vacancy rate</i>
132.1	
ASL	
16.0	<i>25-26 POCA funding request and costing</i>

13.8 ASL
Funded ASL
-
11.7
11.7
ASL
-
<i>NPP funding for work on Firearms Register, balance in CJD</i>

headcount
headcount
active head count
ASL
ASL

ASL

to CJD.
arrangements

Figures in the following table are derived from the department's top-down budget module for divisional funding and the NPP template applied for overheads. The budget module tracks incoming budget from prior MoGs, adjusting for indexation and savings measures and any new or terminating NPPs.

	2025-26		2026-27		2027-28		2028-29	
	\$	ASL	\$	ASL	\$	ASL	\$	ASL
SCTD funding	\$16,027,137	113.8	\$1,116,570	59.1	\$1,125,721	59.1	\$1,134,962	52.4
CJD Funding	\$10,249,835		\$9,447,170		\$9,368,110		\$8,405,270	
ID funding	\$1,737,805	-	\$271,913	-	\$510,052	-	-	-
Overheads ESG	\$1,792,287	11.7	\$943,600	6.1	\$951,913	6.2	\$854,775	5.6
Overheads DWE	\$2,230,219	-	\$1,173,574	-	\$1,183,538	-	\$1,062,281	-
Total Dept Operating Funding	\$32,037,283	125.5	\$12,952,828	65.2	\$13,139,333	65.3	\$11,457,287	58.0
Total Administered Funding	\$26,738,000	-	\$4,804,000	-	\$2,147,000	-	\$2,194,000	-
Total Dept Capital Funding	-	-	-	-	-	-	-	-
	2025-26		2026-27		2027-28		2028-29	
	\$ million	ASL	\$ million	ASL	\$ million	ASL	\$ million	ASL
Departmental programs	28	113.8	11	59.1	11	59.1	10	52.4
Departmental overheads	4	11.7	2	6.1	2	6.2	2	5.6
Administered programs	27		5		2		2	
Total	59	137.1	18	65.2	15	65.3	14	58.0

The above CJD total is slightly different to the top-down tab (approx. \$12k to \$40k different depending on the year you look at). This is because the Top Down funding for CJD shows the Cybercrime amount transferred in by ISCD, whereas this tab uses the amount we were sent from HA in 2022 (ie. HA sent us \$783,126 but ISCD transferred \$795,419 to CJD when the function transferred internally).

POCA funded Independent Revenue and Expenses

Expenses	\$3,340,009	16.0	\$3,289,032	16.0	\$1,089,840	8.0	-	-
Revenue	(\$3,340,009)		(\$3,289,032)		(\$1,089,840)		-	-
Net position	-		-		-		-	-

Attachment C

Additional MOG information – Direct Costs***Resourcing***

The department has largely absorbed the costs associated with Machinery of Government changes and the transfer of functions from the Attorney General's Department. We have not separately tracked these costs.

The estimate of resources utilised to coordinate the MoG included:

- **7 full time FTEs. 47F(1)**
- While other staff assisted during surge periods, these hours were not recorded against the MoG.

Direct costs

- Additional direct costs incurred by the Department total \$261,288.51 + equipment of \$429,160 **totalling \$690,449** and relate to:
 - The relocation of staff from the AGD offices to Home Affairs offices with costs of approximately \$22,887, these costs relate to crate hire and safe relocation.
 - Building work in AGD premises to network this location totalling \$16,839.95 and ICT costs for temporary backend infrastructure including network setup totalling \$20,716.48
 - Additional ICT costs for data migration \$139,043 and Network setup of \$2,433.
 - ICT relocation costs and support totalled \$57,769.08
 - There were some minor costs incurred associated with IT equipment transition for printer relocations \$1,600.
- Agency hardware (laptops \$2,500 per unit – approximately 150 in total, and Mobile phone \$1,354 per unit – 40 in total) were provided to the transferred staff. We understand that the laptops came from our hardware pool and not purchased separately. Total cost of these items is \$375,000 for laptops and \$54,160 for mobiles totalling \$429,160.
- A further \$8,000 will be incurred for the removal costs when we are out of AGD Premises through Optus (not included in the current total).
- ICT are migrating four ICT applications from AGD to HA and work is undergoing, and most of the costs are expected in 2025-26.

COO BACK POCKET BRIEF

**Home Affairs Portfolio
Department of Home Affairs
Additional Estimates Hearing – February 2026**

Topic: Machinery of Government Changes

Division: Finance Division

Transfer of law enforcement policy and operations functions from the Attorney-General's portfolio to the Home Affairs portfolio

KEY HEADLINE FACTS AND FIGURES

- On 13 May 2025, new Administrative Arrangement Orders (AAO) resulted in the transfer of law enforcement policy and operations functions from the Attorney-Generals' portfolio to the Home Affairs portfolio. The transfers were effective from 13 May 2025.
- The transfers were in the order of \$60 million in 2025-26 with 167 staff across:
 - Criminal Law Policy;
 - High Tech Crime;
 - Transnational Crime;
 - High Risk Terrorism Offenders (HRTTO);
 - National Security Information;
 - Security Law and Policy.
- The Australian Federal Police, Australian Security Intelligence Organisation, Australian Transaction Reports and Analysis Centre, Australian Crime Commission and Australian Institute of Criminology transferred from the Attorney-General's portfolio to the Home Affairs portfolio.
- The total cost of undertaking the MOG was approximately \$947,000.

Departmental AAO and Function Transfers (Attachment A)

- Subsequent changes were made to the AAO on 26 June 2025, effective on 1 July 2025, to transfer responsibility for account takeover warrants under the *Crimes Act 1914* and the *Public Order (Protection of Persons and Property) Act 1971*, along with responsibility for the *Crimes (Aviation) Act 1991*.
- A MoG Taskforce was established within COO Group to manage the logistics of the MoG.
- There are four systems identified to be transitioned from AGD to Home Affairs. These systems support the Firearms and Illicit Drug function, Telecommunications intelligence function and Terrorist Offenders function. One system has been transitioned, with

planning and implementation stages underway for the remaining three systems to transition to Home Affairs in a safe and secure way.

Staffing and Finance Transfers (COO Group) (Attachment B)

- 167 employees were moved between AGD and the Department through Determinations made under s72 of the *Public Service Act 1999*, comprising 162 ongoing and 5 non-ongoing employees. The majority of staff transferred on 17 July 2025, with subsequent transfers effective on 5 August 2025 and 14 August 2025.
- While some employees physically relocated to Home Affairs accommodation in the regions and National Office, most impacted staff remain located within the AGD building in Barton in the short term.
- These employees relocated to s. 33(a)(i) on 19 September 2025.
- The transfer of funds is currently being finalised along the following lines:
 - Full year departmental funding of \$32.0 million for 2025-26; and
 - Administered appropriations of \$26.7 million for 2025-26.
- These funds were transferred through a combination of s75 transfers and estimate adjustments through *Appropriation Act (No.1) 2025-26*, net of any expenditure incurred by AGD.
- The transfer of functions included the Proceeds of Crime (POCA) Special Account. Responsibility for the POCA Special Account transferred on 1 September 2025. The transfer did not occur on the date of the AAO as changes to the underlying PGPA Determination were subject the disallowance period in Parliament.
- The POCA Special Account had a balance of \$33.3 million at the time of transfer.
- The resourcing (ASL and funding) transfers will be reflected in the 2025-26 Portfolio Additional Estimates Statements.
- Summary level subsequent event and restructuring disclosures were made in the 2024-25 financial statements with full restructuring disclosures to be reported in the 2025-26 financial statements.

Cost of transfer (Attachment C)

(refer response to Question on Notice SQ25-001952 – **Attachment D**)

- The total cost of transferring functions was approximately \$947,000. This comprises:
 - Approximately \$690,000 in direct costs mainly related to property and ICT support; and
 - Approximately \$257,000 in staffing costs representing a team of seven employees that supported the transition over a period of around three months.

Key dates – Machinery of Government

- **13 May 2025:** Announcement of AAO.
- **20 June 2025:** Initial Section 75 (s75) to transfer appropriation was signed.
- **16 July 2025:** s72 instrument signed off by APSC for transfer of 153 employees.
- **17 July 2025:** 153 ongoing and 5 non-ongoing employees from AGD formally transferred to the Department of Home Affairs as part of the MoG changes.
- **21 July 2025:** Transferred employees commence within Department of Home Affairs (DHA) systems.
- **4 and 13 August 2025:** two additional s72 instruments signed off by APSC for transfer of 9 further employees, including corporate contribution.
- **29 October 2025:** Balance of preliminary funding transfers included in 2025-26 Appropriation Act No.1
- **January 2026:** Final s75 transfer signed.
- **Quarter 3 2026:** Responsibility for one ICT system (Terrorist Offenders Management Information System - TOMIS) transitioned on 18 December 2025. The remaining three systems are expected to transition in the third quarter of 2026 due to technical IT dependencies.

Historical MOG Changes

- Transfer of ASIO from the Home Affairs to Attorney-General's portfolio (29 July 2024)
 - To AGD: ASIO policy and legislative functions totalling around \$1.2 million per year and 7 FTEs.
- Transfers between AGD and the Department under AAOs (3 August 2023)
 - To AGD: Identity Matching Services, Identity and Biometrics Delivery and Identity and Biometrics Policy and Strategy (IDMS) totalling around \$35-40 million per year and 39 FTE; and
 - From AGD: Protective Security Policy and Government and Major Events Security (PSPF) with around \$25 million in 2023-24, and reducing to \$5 million in 2026-27, and between 20 and 30 FTE.
- Transfer from Digital Transformation Agency (DTA) to Department (1 May 2023)
 - Cyber related functions transferred from DTA to the Department in support of the Government's response to the Mrdak Review totalling around \$0.5 million per year and s. 47F(1)
 - Specifically, DTA's functions relating to cyber security policy or risk management, Hardening Government IT (HGIT) and supporting governance, and incident response oversight moved to the Department.

- Addition of ‘cybercrime’ to AAOs (13 October 2022)
 - The changes included ‘cybercrime’ being added to the matters dealt with by AGD to clarify that AGD has responsibility for cybercrime.
 - Activities related to the Cybercrime Capability Fund and the National Plan to Combat Cybercrime subsequently transferred from the Department to AGD in early 2023, amounting to \$4 million 2022-23 rising to \$12 million in 2025-26 and s. 47F(1)
- Transfers of functions between the Department to AGD, NEMA and Prime Minister and Cabinet (PM&C) Portfolio (1 July 2022):
 - To AGD, amounting to \$231 million 2022-23 decreasing to \$25 million in 2025-26 and FTE starting at 170 dropping to 119:
 - criminal and law enforcement policy and operations;
 - modern slavery functions;
 - The Protective Security Coordination centre; and
 - Counter-terrorism activities including High Risk Terrorism Offenders.
 - From PM&C: the National Recovery and Resilience Agency (NRRA), which was subsequently abolished and replaced by the National Emergency Management Agency (NEMA) on 1 September 2022.
 - To NEMA: Emergency management functions from 1 September 2022, with ongoing annual funding of around \$56 million and 104 FTE.

Consultation

Performance Governance & Inquiries Branch was consulted in the development of this brief.

Attachments

Attachment A – AAO 13 May 2025 and 26 June 2025 Excerpts

Attachment B – Agreed Budget Summary – AGD 2025

Attachment C – Additional Information – MoG direct costs

Attachment D – Question on Notice – MoG total costs of bringing agencies back to Home Affairs

Additional Information

Statistic and Financial Reporting Period:

Statistics Date Ranges – Additional Estimates February 2026	
Since last hearing	1 October 2025 – 30 November 2025
Financial Year	1 July 2025 – 30 November 2025

SCHEDULE

ADMINISTRATIVE ARRANGEMENTS

PART 2 THE ATTORNEY-GENERAL'S DEPARTMENT

Matters dealt with by the Department

Law and justice including -

Administrative law

Alternative dispute resolution

~~Bankruptcy~~

Constitutional law

Courts and tribunals

Human rights

International law

Law reform

Legal assistance

Legislative drafting

Marriage and family law

~~Personal property securities~~

Legal services to the Commonwealth

~~Law enforcement policy and operations~~

Administration of criminal justice, including -

Criminal law policy and principles of criminal responsibility

Matters relating to prosecution

Sentencing and management of federal offenders

International crime co-operation, including extradition and mutual assistance in criminal matters

Identity and biometrics

~~Cybercrime~~

Administrative support for Royal Commissions and certain other inquiries

Privacy

Freedom of Information

Native title

Fraud and anti-corruption policy

Whole of government integrity policy and activities

Copyright

National child sexual abuse policy and strategy

Modern Slavery

Legislation administered by the Minister

Aboriginal and Torres Strait Islander Heritage Protection Act 1984, section 30
Aboriginal Land Rights (Northern Territory) Act 1976, sections 54C and 74A
A.C.T. Supreme Court (Transfer) Act 1992
Acts and Instruments (Framework Reform) Act 2015
Acts Interpretation Act 1901
~~*Administrative Appeals Tribunal Act 1975*~~
Administrative Decisions (Judicial Review) Act 1977
~~*Administrative Review Tribunal Act 2024*~~
~~*Administrative Review Tribunal (Consequential and Transitional Provisions*~~
~~*No. 1) Act 2024*~~
~~*Administrative Review Tribunal (Consequential and Transitional Provisions*~~
~~*No. 2) Act 2024*~~
Admiralty Act 1988
Age Discrimination Act 2004
~~*Anti-Money Laundering and Counter-Terrorism Financing Act 2006*~~
Australia Act 1986
Australia (Request and Consent) Act 1985
Australian Crime Commission Act 2002, section 27
~~*Australian Crime Commission Establishment Act 2002*~~
~~*Australian Crime Commission (National Policing Information Charges) Act 2016*~~
~~*Australian Federal Police Act 1979*~~
Australian Human Rights Commission Act 1986
Australian Information Commissioner Act 2010
Australian Law Reform Commission Act 1996
Australian Security Intelligence Organisation Act 1979, section 34JE
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~~*(Collection) Act 2011*~~
~~*Bankruptcy Act 1966*~~
~~*Bankruptcy (State Charges) Act 1997*~~
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Civil Dispute Resolution Act 2011
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Coastal Batters (Northern Territory Title) Act 1980
Coastal Batters (State Powers) Act 1980
Coastal Batters (State Title) Act 1980
Common Informers (Parliamentary Disqualifications) Act 1975
Commonwealth Motor Vehicles (Liability) Act 1959
Commonwealth Places (Application of Laws) Act 1970
Competition and Consumer Act 2010, section 170
Copyright Act 1968
Corporations Act 2001, paragraph 1315(1)(c) and section 1316
Courts Administration Legislation Amendment Act 2016
Court Security Act 201E
Courts and Tribunals Legislation Amendment (Administration) Act 201E

Crimes Act 1914, except to the extent administered by the Minister responsible for Home Affairs

Crimes at Sea Act 2000

~~*Crimes (Aviation) Act 1991*~~

Crimes (Biological Weapons) Act 1976

Crimes (Currency) Act 1981

Crimes (Hostages) Act 1989

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Crimes (Overseas) Act 1964

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Crimes (Superannuation Benefits) Act 1989

Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990

Criminal Code Act 1995

~~*Criminology Research Act 1971*~~

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Defence Act 1906, Part IIIAAA insofar as it relates to the powers or functions of the Attorney-General as an authorising minister

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Migration Act 1988

Fair Work Act 2009, Part 4-2 but not section 569

Fair Work (Registered Organisations) Act 2009, section 324-328 inclusive of Schedule 1 in respect of powers under those sections

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Family Law Act 1975, except to the extent administered by the Minister responsible for Social Services

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Federal Circuit and Family Court of Australia Act 2021, except to the extent administered by the Minister responsible for Finance

Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021

Federal Circuit Court of Australia (Consequential Amendments) Act 2016

Federal Circuit Court of Australia Legislation Amendment Act 2012

Federal Court of Australia Act 1976

Federal Proceedings (Costs) Act 1981

~~*Financial Transaction Reports Act 1988*~~

Foreign Evidence Act 1994

Foreign Influence Transparency Scheme Act 2018

Foreign Judgments Act 1991

Foreign Proceedings (Access of Jurisdiction) Act 1984

Foreign States Immunities Act 1985
Freedom of Information Act 1982
 - *Geneva Conventions Act 1957*, other than Part IV
 - *Genocide Convention Act 1949*
High Court Justices (Long Leave Payments) Act 1979
High Court of Australia Act 1979
Human Rights and Equal Opportunity Commission (Transitional Provisions and Consequential Amendments) Act 1986
Human Rights (Parliamentary Scrutiny) Act 2011
Human Rights (Sexual Conduct) Act 1994
Identity Verification Services Act 2022
Independent National Security Legislation Monitor Act 2010
Inspector General of Intelligence and Security Act 1986
~~*Inspector of Transport Security Act 2006*~~
International Arbitration Act 1974
~~*Intelligence Services Act 2001, insofar as it relates to the Australian Security Intelligence Organisation*~~
International Criminal Court Act 2002, except to the extent administered by the Minister responsible for Foreign Affairs
International Transfer of Prisoners Act 1997
International Bar Crimes Tribunals Act 1995
Investigation and Prosecution Measures Act 2018
Judges (Long Leave Payments) Act 1979
Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012
Judiciary Act 1903
Jurisdiction of Courts (Cross-Vesting) Act 1987
Jury Exemption Act 1965
Law Courts (Sydney) Act 1977
~~*Law Enforcement Integrity Commissioner Act 2006*~~
~~*Law Enforcement (AFP Professional Standards and Related Measures) Act 2006*~~
Law Officers Act 1964
Legislation Act 2003
Maintenance Orders (Commonwealth Officers) Act 1966
Marine Insurance Act 1909
Marriage Act 1961, except to the extent administered by the Minister responsible for Social Services
Marriage Amendment (Definition and Religious Freedoms) Act 2017
Marriage (Celebrant Registration Charge) Act 2014
Modern Slavery Act 2018
Mutual Assistance in Criminal Matters Act 1987
National Anti-Corruption Commission Act 2022
~~*National Crime Authority (Status and Rights of Former Chairman) Act 1984*~~
National Security Information (Criminal and Civil Proceedings) Act 2004
Native Title Act 1993, except to the extent administered by the Minister responsible for Indigenous Affairs
~~*Nauru (High Court Appeals) Act 1976*~~
Ombudsman Act 1976
Parliamentary Counsel Act 1970

Parliamentary Joint Committee on Law Enforcement Act 2010
Parliamentary Papers Act 1908
Parliamentary Privileges Act 1987
~~*Personal Property Securities Act 2009*~~
Privacy Act 1988, except to the extent administered by the Treasurer
Privy Council (Appeals from the High Court) Act 1975
Privy Council (Limitation of Appeals) Act 1968
Public Interest Disclosure Act 201E
~~*Proceeds of Crime Act 1987*~~
~~*Proceeds of Crime Act 2002*~~
~~*Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002*~~
Public Vrder (Protection of Persons and Property) Act 1971
Racial Discrimination Act 1975
Regulatory Powers (Standardisation Reform) Act 2017
Regulatory Powers (Standard Provisions) Act 2014
Removal of Prisoners (Territories) Act 192E, insofar as it relates to the release of prisoners and criminal lunatics removed from the Northern Territory of Australia
Royal Commissions Act 1902
SameG Relationships (Mqual Treatment in Commonwealth Laws—Superannuation) Act 2008, except to the extent administered by the Minister responsible for Finance
Seas and Submerged Lands Act 197E
Service and MExecution of Process Act 1992
SeGDiscrimination Act 1984
Special Prosecutors Act 1982
Statute of B estminster Adoption Act 1942
Statute Stocktake Act 1999
Statutory Declarations Act 1959
~~*Surveillance Devices Act 2004*~~
Transfer of Prisoners Act 198E
~~*Telecommunications (Interception and Access) Act 1979*~~
TransTasman Proceedings Act 2010
TransTasman Proceedings (Transitional and Consequential Provisions) Act 2010
Tribunals Amalgamation Act 2015
Trusts (Hague Convention) Act 1991
B ar Crimes Act 1945
~~*B itness Protection Act 1994*~~

PART 10 THE DEPARTMENT OF HOME AFFAIRS

Matters dealt with by the Department

Immigration and migration, including -
 border security
 entry, stay and departure arrangements for non-citizens
 customs and border control other than quarantine and inspection
 Citizenship
 Ethnic affairs
Law enforcement policy and operations
 National security policy and operations
 Multicultural affairs
~~Transport security~~
~~Cyber~~ Protective security policy and coordination
 Protective services at Commonwealth establishments and diplomatic and consular premises in Australia
Social cohesion
Transport security
Cyber security policy and co-ordination
Cybercrime
 Critical infrastructure protection and co-ordination
 Commonwealth emergency management
 Arrangements for the settlement of migrants and humanitarian entrants
 Adult migrant education
 All hazards relief, recovery and mitigation policy and financial assistance
 including payments to the States and Territories and the Australian Government
 Disaster Recovery Payment
~~Protective security policy~~

Legislation administered by the Minister

AntiMoney Laundering and CounterTerrorism Financing Act 2006
AusCheck Act 2007
Australian Border Force Act 2015
Australian Citizenship Act 2007
Australian Citizenship (Transitional and Consequential) Act 2007
Australian Crime Commission Act 2002, with the exception of section 27
Australian Crime Commission Establishment Act 2002
Australian Crime Commission (National Policing Information Charges) Act 2016
Australian Federal Police Act 1979
Australian Security Intelligence Organisation Act 1979, with the exception of section 34JE
Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011
Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011
Aviation Transport Security Act 2004
Commerce (Trade Descriptions) Act 1905

CounterTerrorism (Temporary Melusion Vrders) Act 2019
Crimes Act 1914, Parts IAA, IAAA, IAAB, IAB, IAC, IACA, IC, ID, IE, IIA, IV
and VIIA
Crimes (Aviation) Act 1991
Criminology Research Act 1971
 Customs Act 1901, other than Part XVB and Part XVC
 Customs Licensing Charges Act 1997
 Customs Securities (Penalties) Act 1981
 Customs Tariff Act 1995
 Customs Undertakings (Penalties) Act 1981
Cyber Security Act 2024
Home Affairs Act 202E
 Immigration (Mlucation) Act 1971
 Immigration (- uardianship of Children) Act 1946
 Import Processing Charges Act 2001
Inspector of Transport Security Act 2006
Intelligence Services Act 2001, insofar as it relates to the Australian Security
Intelligence Organisation
 Waritime Powers Act 201E
 Waritime Transport and Vffshore Facilities Security Act 200E
 Wigration Act 1958
 Wigration Agents Registration Application Charge Act 1997
~~Wigration (Health Services) Charge Act 1991~~
 Wigration (Skilling Australians Fund) Charges Act 2018
 Wigration (Sponsorship Fees) Act 2007
 Wigration (x isa Application) Charge Act 1997
Wigration (x isa PreApplication Process) Charge Act 202E
National Crime Authority (Status and Rights of Former Chairman) Act 1984
 National Mmergency Declaration Act 2020
 National Mmergency Declaration (Consequential Amendments) Act 2020
 Passenger Wovement Charge Act 1978
 Passenger Wovement Charge Collection Act 1978
Proceeds of Crime Act 1987
Proceeds of Crime Act 2002
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act
2002
Public Health (Tobacco and Vther Products) Act 202E, Chapter 6A
 Psychotropic Substances Act 1976
 Security of Critical Infrastructure Act 2018
 Social Security Act 1991, insofar as it relates to the Australian Victim of Terrorism
 Overseas Payment, the Australian Government Disaster Recovery Payment and
 the Disaster Recovery Allowance
 Social Security (Administration) Act 1999, insofar as it relates to the Australian
 Victim of Terrorism Overseas Payment, the Australian Government Disaster
 Recovery Payment and the Disaster Recovery Allowance
Surveillance Devices Act 2004
Surveillance Legislation (Confirmation of Application) Act 2024
Telecommunications (Interception and Access) Act 1979

Business Protection Act 1994

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

Functions Transferring to Home Affairs 2025**Operational and Policy**

Funding excluding POCA funded Electronic Surveillance Reform	\$
Security and Counter Terrorism Division funding	(\$16,027,137)
Criminal Justice Division Funding	(\$10,249,835)
Total Funding (Top Down model)	(\$26,276,972)

Requested expenses excluding POCA funded Electronic Surveillance Reform	\$
Suppliers	\$8,785,925
Employees	\$20,303,895
Total Expenses	\$29,089,820

POCA funded Electronic Surveillance Reform work	\$
Expenses	\$3,340,009
Funding sought from POCA	(\$3,340,009)

Corporate and Overheads

Overheads using the NPP template	based on funded 1
	Funded \$
Department Wide Expenses	\$2,230,219
Enabling Services Group	\$1,792,287
Total Overhead contribution on 113.8 ASL	(\$4,022,506)

ESG specific funding - NPPs	\$
National Firearms Registry NPP funding	(\$1,737,805)
Expected costs on Firearms Register	\$1,737,805

Notes on ASL/headcount (excluding Corporate)

section 72 list includes	158
included in this list are staff on long leave	12
	146
Budget ask	132
plus POCA funded	16
	148
2024-25 ASL Forecast	142

Notes on funding

DFAT funding for 2 PNG positions not included above.

POCA funding requires approval from HA Minister.

In 2024-25 SCTD provided budget coverage to CJD and will not operate at a combined loss.

Budget ask for SCTD includes supplier expenses that are may not be required and would provide coverage

Any ongoing hosting of staff / IT will be subject to MOUs between HA and AGD for the duration of these a

There are outstanding invoices from prior MOUs that AGD will seek to offset from funding transfer

ASL	source
	<i>See Summary of Funding tab</i>
	<i>See Summary of Funding tab</i>
113.8	

ASL	source
	<i>25-26 bottom-up budget ask less 10% (standard haircut).</i>
132.1	<i>25-26 bottom-up budget of ask of 151.4 ASL less 15% vacancy rate</i>
132.1	
ASL	
16.0	<i>25-26 POCA funding request and costing</i>

13.8 ASL	
Funded ASL	<i>NPP template for 113.8 ASL @ EL1</i>
-	
11.7	
11.7	
ASL	
-	<i>NPP funding for work on Firearms Register, balance in CJD</i>

headcount
headcount
active head count
ASL
ASL

ASL

to CJD.
arrangements

Figures in the following table are derived from the department's top-down budget module for divisional funding and the NPP template applied for overheads. The budget module tracks incoming budget from prior MoGs, adjusting for indexation and savings measures and any new or terminating NPPs.

	2025-26		2026-27		2027-28		2028-29	
	\$	ASL	\$	ASL	\$	ASL	\$	ASL
SCTD funding	\$16,027,137	113.8	\$1,116,570	59.1	\$1,125,721	59.1	\$1,134,962	52.4
CJD Funding	\$10,249,835		\$9,447,170		\$9,368,110		\$8,405,270	
ID funding	\$1,737,805	-	\$271,913	-	\$510,052	-	-	-
Overheads ESG	\$1,792,287	11.7	\$943,600	6.1	\$951,913	6.2	\$854,775	5.6
Overheads DWE	\$2,230,219	-	\$1,173,574	-	\$1,183,538	-	\$1,062,281	-
Total Dept Operating Funding	\$32,037,283	125.5	\$12,952,828	65.2	\$13,139,333	65.3	\$11,457,287	58.0
Total Administered Funding	\$26,738,000	-	\$4,804,000	-	\$2,147,000	-	\$2,194,000	-
Total Dept Capital Funding	-	-	-	-	-	-	-	-

The above CJD total is slightly different to the top-down tab (approx. \$12k to \$40k different depending on the year you look at). This is because the Top Down funding for CJD shows the Cybercrime amount transferred in by ISCD, whereas this tab uses the amount we were sent from HA in 2022 (ie. HA sent us \$783,126 but ISCD transferred \$795,419 to CJD when the function transferred internally).

POCA funded Independent Revenue and Expenses

Expenses	\$3,340,009	16.0	\$3,289,032	16.0	\$1,089,840	8.0	-	-
Revenue	(\$3,340,009)		(\$3,289,032)		(\$1,089,840)		-	-
Net position	-		-		-		-	-

Attachment C

Additional MOG information – Direct Costs***Resourcing***

The department has largely absorbed the costs associated with Machinery of Government changes and the transfer of functions from the Attorney General's Department. We have not separately tracked these costs.

The estimate of resources utilised to coordinate the MoG included:

- **7 full time FTEs. 47F(1)**
- While other staff assisted during surge periods, these hours were not recorded against the MoG.

Direct costs

- Additional direct costs incurred by the Department total \$261,288.51 + equipment of \$429,160 **totalling \$690,449** and relate to:
 - The relocation of staff from the AGD offices to Home Affairs offices with costs of approximately \$22,887, these costs relate to crate hire and safe relocation.
 - Building work in AGD premises to network this location totalling \$16,839.95 and ICT costs for temporary backend infrastructure including network setup totalling \$20,716.48
 - Additional ICT costs for data migration \$139,043 and Network setup of \$2,433.
 - ICT relocation costs and support totalled \$57,769.08
 - There were some minor costs incurred associated with IT equipment transition for printer relocations \$1,600.
- Agency hardware (laptops \$2,500 per unit – approximately 150 in total, and Mobile phone \$1,354 per unit – 40 in total) were provided to the transferred staff. We understand that the laptops came from our hardware pool and not purchased separately. Total cost of these items is \$375,000 for laptops and \$54,160 for mobiles totalling \$429,160.
- A further \$8,000 will be incurred for the removal costs when we are out of AGD Premises through Optus (not included in the current total).
- ICT are migrating four ICT applications from AGD to HA and work is undergoing, and most of the costs are expected in 2025-26.

PDR Number: SQ25-001952

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
SUPPLEMENTARY ESTIMATES
DECEMBER 2025**

**Home Affairs Portfolio
Department of Home Affairs**

Cross-Portfolio, Corporate & General Matters

SE25-XXX - MoG - quantify the total costs of bringing those agencies back into Home Affairs

Senator Jonathon Duniam asked:

Senator DUNIAM: It's not what you've characterised it to be. I will go to the machinery of government changes that occurred in the first term of this government, where agencies were taken out of Home Affairs into Attorney-General's Department. I think it was the AFP, Australian Criminal Intelligence Commission and AUSTRAC. Is that correct? Were they moved out of Home Affairs into AGD?

Ms Foster: There were two tranches of movement. The first tranche, I think, involved those three and the second tranche involved ASIO.

Senator DUNIAM: And ASIO moved across to AGD. Did we ever quantify the total costs of bringing those agencies back into Home Affairs?

Ms Foster: I will ask the chief operating officer to come and assist me if she has a figure. I believe that would be quite difficult to calculate. I think Ms Tressler is going to correct me. I would make the point generally that the four agencies moved back into Home Affairs. When you are picking up an agency lock, stock and barrel and changing its reporting arrangement to a minister, the costs are typically much less than other changes.

Senator DUNIAM: Yes.

Ms Foster: A smallish number of staff moved from the Attorney-General's Department into Home Affairs that had been supporting the functions of those four agencies.

Ms Tressler: We had a team of seven FTE for a temporary period of time that supported the transition of the agencies back into the department. We incurred direct costs of around \$690,000 to bring staff back in. That included things such as property, IT and some other costs.

Senator DUNIAM: How long was this seven FTE team in existence for?

Ms Tressler: About six weeks.

Senator DUNIAM: And the cost of \$690,000 is the total cost?

Ms Tressler: That doesn't include the FTE. That's the direct costs that we had associated with bringing the departments back in.

Senator DUNIAM: IT and property et cetera?

Ms Tressler: Yes.

Senator DUNIAM: What would it be inclusive of the seven FTE?

Ms Tressler: I haven't calculated that out. My CFO might send me a message. It would be less than \$1 million, on a rough estimate.

Senator DUNIAM: Could you on notice provide the total cost of that?
 Ms Tressler: Yes.

Answer:

The seven staff are estimated to have costed around \$257,000, giving an estimated total cost incurred in bringing agencies back into Home Affairs following Machinery of Government changes of approximately \$947,000.

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Responsible Officer: Andrew Harvey, Chief Finance Officer Tel: s. 22(1)(a)(ii) Date Approved: 06 January 2026			
SES Contact Officer: Andrew Harvey, Chief Finance Officer Tel: s. 22(1)(a)(ii)			
Consultation:			
Additional Clearance from: <i>(Highlight applicable)</i>		Legal	Finance
			Statistics

Adviser	
DCOS	
Media Adviser	
COS	