



# Community Protection Summary

## December 2024

Community safety is an absolute priority for the Australian Border Force (ABF) and Department of Home Affairs (Department).

On 8 November 2023, the High Court made orders in the matter of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs*. The High Court delivered a unanimous judgment finding that unlawful non-citizens cannot continue to be kept in immigration detention for the purpose of their removal from Australia once there is no real prospect of their removal becoming practicable in the reasonably foreseeable future.

Each individual required to be released is placed on a Bridging (Removal Pending) (subclass 070) visa (BVR) with mandatory conditions. These mandatory conditions are set out in Attachment A. There are four additional conditions that can be placed on an individual's visa based on their risk to the Australian community. These conditions relate to:

- electronic monitoring (condition 8621)
- reporting financial transaction/s totalling \$10,000 or more (condition 8617)
- reporting debt/s of \$10,000 or more or bankruptcy (condition 8618)
- specified curfew (condition 8620)

### Community Protection Board

The ABF-chaired Community Protection Board (the Board) was established in December 2023 and is an integral component of the Government's community safety response. The Board provides informed, impartial and evidence-based recommendations to visa decision makers on conditions placed on individuals' visas.

These recommendations support the management of non-citizens who may pose risks to the safety of the Australian community but who cannot be held in immigration detention because of the High Court decision in *NZYQ*. The Board draws on individual members' experience, including in the justice system, and considers all relevant information made available, which may include the following:

- immigration history
- character and criminality
- behaviour in criminal custody and/or immigration detention
- behaviour and compliance whilst in the community
- medical and health information (inclusive of psychological)
- other relevant information to the person's character or conduct available to the Department
- identity information
- representations made by the person or their legal representative
- security information
- any other circumstances likely to inform the risk the person poses to the Australian community.

Individuals are regularly reviewed by the Board to ensure that the conditions and the individual's behaviour in the community can be further considered, and the Board recommends changes to BVR conditions where required.

The Board is comprised of eminent Australians from the fields of law enforcement, corrections, academia, mental health, clinical psychology and the community and multicultural sector – as well as senior Department and ABF public servants with responsibility for law enforcement, compliance and status resolution.

Current members of the Board include:

- **Ms Sandra Jeffery** - ABF Assistant Commissioner Immigration Compliance Operations, Department of Home Affairs (Chair)
- **Ms Sarah Nicolson** – ABF Assistant Commissioner, Onshore Detention
- **Mr Graham Ashton AM APM** - former Chief Commissioner Victoria Police
- **Professor Peter Martin AM APM** - Professor of Practice at the Griffith Criminology Institute, and former Commissioner Queensland Corrective Services and Deputy Police Commissioner Queensland Police Service
- **Dr Monique Phipps** - clinical psychologist with 10+ years in complex trauma and mental health assessment
- **Dr Carmel Guerra OAM** - community member with 10+ years in youth justice, former member of the Youth Parole Board of Victoria, and significant experience with multicultural communities

Visa Decision Makers

Senior ABF officers at Commander/Band 1 level and above have been delegated to make BVR decisions regarding these individuals. Decision makers carefully consider the Board’s recommendations, and any other relevant information to determine the visa conditions to be imposed on a visa granted to an individual.

Every individual is monitored. Monitoring occurs through either the electronic monitoring condition (8621), or the mandatory reporting condition (8401) which requires the individual to report to the Department at specified times. The monitoring of individuals is conducted jointly by the ABF and the Australian Federal Police, as part of Operation AEGIS, and enabled by the \$255 million investment announced in November 2023.

The number of BVR holders subject to each condition is below:

Community Safety Visa Conditions* as at 31 December 2024	
Total number of BVR holders	282
Number of above BVR holders subject to an electronic monitoring device  <i>Condition 8621 – Electronic Monitoring</i>	64
Number of above BVR holders subject to a specified curfew  <i>Condition 8620 – Specified Curfew</i>	37
Number of above BVR visa holders subject to financial reporting obligations  <i>Condition 8617 – Notify transaction/s totalling \$10K or more</i> <i>Condition 8618 – Notify debt/s totalling \$10K or more or bankruptcy</i>	10 6

\*An individual may hold a visa that is subject to more than one imposed prescribed community safety condition.

Community Protection Board Activity	
Number of Board meetings convened in December 2024	0
Total number of Board meetings convened in total since establishment	21

## Attachment A - Bridging R (Class WR) (Removal Pending) (subclass 070) Visa Conditions

BVR Visa conditions
<b>8303 - No violent or disruptive activities</b> The holder must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.
<b>8401 – Report as Directed</b> The holder must report: (a) at the time or times; and (b) at a place or in a manner; specified, orally or in writing, by the Minister from time to time.
<b>8513 – Notify residential address</b> The holder must notify Immigration of his or her residential address within 5 working days of grant.
<b>8514 – No change in circumstances</b> During the visa period of the visa, there must be no material change in the circumstances on the basis of which it was granted.
<b>8541 - Must Assist with Removal</b> The holder: (a) must do everything possible to facilitate his or her removal from Australia; and (b) must not attempt to obstruct efforts to arrange and effect his or her removal from Australia.
<b>8542 – Report for removal from Australia</b> The holder must report in person for removal from Australia in accordance with instructions given, orally or in writing, by the Minister.
<b>8543 - Facilitate removal from Australia</b> The holder must attend at a place, date and time specified, orally or in writing, by the Minister in order to facilitate efforts to arrange and effect his or her removal from Australia.
<b>8550 - Notify changes in personal details</b> The holder must notify the Minister of any changes in the holder's personal details, including a change to any of the following contact information: (a) the holder's name; (b) an address of the holder; (c) a phone number of the holder; (d) an email address of the holder; (e) an online profile used by the holder; (f) a user name of the holder; not less than 2 working days before the change is to occur.
<b>8551 – Obtain approval for certain occupations</b> (1) The holder must obtain the Minister's approval before taking up employment in the following occupations, or occupations of a similar kind: (a) occupations that involve the use of, or access to, chemicals of security concern; (b) occupations in the aviation or maritime industries; (c) occupations at facilities that handle security-sensitive biological agents. (2) In this clause: <b>Chemicals of security concern</b> means chemicals specified by the Minister in an instrument in writing for this definition. <i>Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify the chemicals may include</i> (a) <i>Industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and</i> (b) <i>Agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.</i>
<b>8552 - Notify change in employment details</b> The holder must notify the Minister of any changes in the holder's employment details, not less than 2 working days before the change is to occur.
<b>8553 – Must not be involved in activities prejudicial to security</b> The holder must not become involved in activities that are prejudicial to security (within the meaning of section 4 of the Australian Security Intelligence Organisation Act 1979).
<b>8554 – Must not acquire specified goods</b> (1) The holder must not acquire any of the following goods: (a) weapons; (b) explosives; (c) material or documentation that provides instruction on the use of weapons or explosives. (2) In this clause: <b>weapon</b> means a thing made or adapted for use for inflicting bodily injury.
<b>8555 – Obtain approval before undertaking specified activities</b> The holder must obtain the Minister's approval before undertaking the following activities, or activities of a similar kind: (a) flight training; (b) flying aircraft.
<b>8556 – Must not communicate with specified entities or organisations</b> The holder must not communicate or associate with: (a) an entity listed under Part 4 of the Charter of the United Nations Act 1945; or (b) an organisation prescribed by the regulations made under the Criminal Code Act 1995 for the purposes of paragraph (b) of the definition of terrorist organisation in subsection 102.1(1) of the Criminal Code.

## BVR Visa conditions

### 8560 – Obtain approval to acquire chemicals of security concern

(1) The holder must obtain the Minister's approval before acquiring chemicals of security concern.

(2) In this clause:

**chemicals of security concern** means chemicals specified by the Minister in an instrument in writing for this definition.

*Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify, the chemicals may include:*

*(a) industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and*

*(b) agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.*

### 8561 – Must attend interview if directed

If the holder is directed, orally or in writing, by the Minister to attend, at a specified place, on a specified day and at a specified time, an interview that relates to the holder's visa (including an interview with the Australian Security Intelligence Organisation), the holder must comply with the direction.

### 8562 – Must not take up specified employment

(1) The holder must not take up employment in:

(a) occupations that involve the use of, or access to, weapons or explosives; or

(b) occupations of a similar kind.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

### 8563 – Must not undertake specified activities

(1) The holder must not undertake the following activities, or activities of a similar kind:

(a) using or accessing weapons or explosives;

(b) participating in training in the use of weapons or explosives;

(c) possessing or accessing material or documentation that provides instruction on the use of weapons or explosives.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

### 8564 – The holder must not engage in criminal conduct

### 8612 – Notify details of persons who reside with the holder

The holder:

(a) must, within 5 working days of the grant, notify Immigration of the full name, and date of birth, of each person who ordinarily resides with the holder at the holder's residential address; and

(b) must notify Immigration of any change in the persons who ordinarily reside with the holder at the holder's residential address within 2 working days after the change occurs.

### 8613 – Obtain approval before commencing activities with vulnerable persons

(1) The holder must obtain the Minister's approval before commencing to perform work, or a regular organised activity, involving more than incidental contact with a minor or any other vulnerable person.

(2) Subclause (1) applies:

(a) whether the work or activity is for reward or otherwise; and

(b) whether or not a working with children or vulnerable people check (however described) is required in relation to the work.

### 8614 – Notify travel

(1) The holder must notify Immigration of any travel interstate or overseas by the holder at least 7 working days before undertaking the travel.

(2) If the holder does not comply with subclause (1), the holder must notify Immigration of the travel within 2 days after departing on the travel.

### 8615 – Notify associations and memberships

The holder:

(a) must, within 5 working days of the grant, notify Immigration of the details of the holder's association with, or membership of, any organisation (other than an organisation formed for a purpose of engaging in communications on governmental or political matters); and

(b) must notify Immigration of any change in those details (including the beginning or end of any association or membership) within 2 working days after the change occurs.

### 8616 – Notify contact with certain individuals or organisations

(1) The holder must notify Immigration of the details of any contact with the following within 2 working days after the contact occurs:

(a) any individual, group or organisation that is alleged, or is known by the holder, to be engaging in criminal or other illegal activities;

(b) any individual, group or organisation that has previously engaged in, or has expressed an intention to engage in, criminal or other illegal activities.

(2) Subclause (1) does not apply to:

(a) contact in the course of attending a therapeutic or rehabilitative service; or

(b) contact in connection with legal proceedings or legal advice.

### 8617 – Notify change in financial circumstances

The holder must notify Immigration of each of the following matters within 5 working days after the matter occurs:

(a) the holder receives, within any period of 30 days, an amount or amounts totally AUD 10 000 or more from one or more other persons;

(b) the holder transfers, within any period of 30 days, an amount or amounts totalling AUD 10 000 or more to one or more other persons;

(c) the holder's banking arrangement change.

## BVR Visa conditions

### 8618 – Notify debt or financial hardship

- (1) If the holder incurs a debt or debts totally AUD10 000 or more, the holder must notify Immigration within 5 working days after the holder incurs the debt or debts.
- (2) If the holder is declared bankrupt or otherwise experiences significant financial hardship, the holder must notify Immigration within 5 working days after the holder is so declared or the financial hardship begins, as the case may be.
- (3) The holder must notify Immigration of any significant change in relation to the holder's debts, bankruptcy or financial hardship within 5 working days after the change occurs.

### 8619 – Provide evidence of financial circumstances upon request

The holder must, within 7 days after receiving an oral or written request from the Minister, provide evidence of the holder's current financial circumstances.

### 8620 – Abide by specified curfew

- (1) The holder must, between 10pm on one day and 6am the next day or between such other times as are specified in writing by the Minister, remain at a notified address for the holder for those days.
- (2) If the Minister specified other times for the purposes of subclause (1), the times must not be more than 8 hours apart.
- (3) in this clause:  
**Notified address** for a holder for a particular day or days means any of the following:
- (a) the address notified by the holder under condition 8513 or 8550;
  - (b) an address at which the holder stays regularly because of a close personal relationship with a person at that address, and which the holder has notified to Immigration for the purposes of this paragraph;
  - (c) if, for the purposes of this paragraph, the holder notified Immigration of an address for that day or those days no later than 12 pm on the day before that day or the earliest day of those days (as the case may be) – that address.

### 8621 – Monitoring device

- (1) The holder must wear a monitoring device at all times.
- (2) The holder must allow an authorised officer to fit, install, repair or remove the following:
- (a) the holder's monitoring device;
  - (b) any related monitoring equipment for the holder's monitoring device.
- (3) The holder must take any steps specified in writing by the Minister and any other reasonable steps, to ensure that the following remain in good working order:
- (a) the holder's monitoring device;
  - (b) any related monitoring equipment for the holder's monitoring device.
- (4) if the holder becomes aware that either of the following is not in good working order:
- (a) the holder's monitoring device;
  - (b) any related monitoring equipment for the holder's monitoring device;
- The holder must notify an authorised officer of that as soon as practicable.

### 8622 – Must not perform work with minors

- (1) If the holder has been convicted of an offence that involves a minor or any other vulnerable person, the holder must not perform any work, or participate in any regular organised activity, involving more than incidental contact with a minor or any other vulnerable person.
- (2) Subclause (1) applies:
- (a) whether the work or activity is for reward or otherwise; and
  - (b) whether or not a working with children or vulnerable people check (however described) is required in relation to the work.

### 8623 – Must not approach school or childcare centre

If the holder has been convicted of an offence that involves a minor or any other vulnerable person, the holder must not go within 200 metres of a school, childcare centre or day care centre.

### 8624 – Must not contact victim or victim family member

If the holder has been convicted of an offence involving violence or sexual assault, the holder must not contact, or attempt to contact, the victim of the offence or a member of the victim's family.