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Citizenship Loss Board IDC

Draft Minutes of meeting held on Tuesday, 23 February 2016 at
DIBP, 2 Constitution Avenue Canberra

Attendance:

- Greg Moriarty, Department of the Prime Minister and Cabinet
- Gary Quinlan, Department of Foreign Affairs and Trade
- Representative, Australian Secret Intelligence Service
- Cameron Gifford (for Katherine Jones), Attorney-General's Department
- Representative, Australian Security Intelligence Organisation
- Judy Lind (for Christopher Dawson), Australian Crime Commission
- Rachel Noble (chair); Michael Manthorpe; Karen Harfield (for Maria Fernandez), Michael Outram, Department of Immigration and Border Protection and Australian Border Force
- Pip de Veau (adviser, legal), Department of Immigration and Border Protection

Apologies:

- Australian Federal Police; Department of Defence

Secretariat:

- Hamish Hansford, s22(1)(a)(ii)

Agenda Item 1 – Status Report from Previous IDC

The Chair outlined that the purpose of the first Citizenship Loss Board was to establish the governance arrangements for the administration of Board and to provide an update on progress to date.

The Board **noted** the agenda with no amendment.

Agenda Item 2 – Terms of Reference for Citizenship Loss Board

The terms of reference were discussed.

The Board **agreed** to the terms of reference subject to minor amendments (attached).

The Board also **noted** advice on potential legal exposure to the effect that there was none as each member is participating in the Board in their professional capacity and that the Board is an inter-departmental committee providing advice, not a decision-making body.

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Agenda Item 3 – Update on Declaration of Terrorist Organisations

DIBP briefed the Board on the documentation to support a Ministerial decision on the declaration of Declared Terrorist Organisations.

DIBP also explained the process for declaration including the requisite tabling of the instrument in Parliament and its review by the Parliamentary Joint Committee on Intelligence and Security. This reflected the process outlined in the circulated process map and as required by the legislation.

The Board **noted** the progress in preparing the documentation to support the declaration of Declared Terrorist Organisations.

The Board **agreed** that DIBP circulate (for information) the supporting documentation addressing the legislative criteria for declaring a terrorist organisation prior to provision to the Minister for Immigration and Border Protection for his consideration.

Agenda Item 4 – Dual Nationality Considerations

The Board discussed the approaches to meet the legal thresholds to confirm dual nationality.

The Board **noted** both DIBP and DFAT papers.

The Board **agreed** that both DIBP and DFAT take forward consideration of individual cases of dual nationality as a priority.

Agenda Item 5 – progress of cases

DIBP provided a general update on the progress of potential candidates for citizenship loss. The Board discussed potential timeframes for consideration of the cases. s33(a)(i)

The Board **noted** the DIBP update.

s33(a)(i)

Agenda Item 6 – other business

The Board discussed the DIBP guidance note on legal thresholds underpinning the citizenship loss provisions in the Australian Citizenship Act.

The Board **noted** the paper, with DFAT providing comment to DIBP out of session.

The Board **agreed** it would convene next to discuss individual cases.



Australian Government
**Department of Immigration
 and Border Protection**



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Citizenship Loss Board

Terms of Reference

The Government announced in early 2015 that it would develop amendments to the *Australian Citizenship Act 2007* to provide for the cessation of Australian citizenship in the case of dual nationals engaged in terrorism-related conduct. The *Australian Citizenship Amendment (Allegiance to Australia) Act 2015* was passed by Parliament on 3 December 2015 and commenced on 12 December 2015.

Role of the Board

The Citizenship Loss Board (Board) supports the Secretary of the Department of Immigration and Citizenship (DIBP) and the Minister for Immigration and Border Protection in administering the new citizenship loss provisions (applicable to dual nationals under the Australian Citizenship Act). In doing so, the Board may:

- task member agencies and coordinate cross-agency work to support the implementation of the legislation;
- review the supporting information for citizenship loss cases that will be provided to the Minister for Immigration and Border Protection through the Secretary, DIBP, including reviewing:
 - the information underpinning citizenship loss cases against the legislative thresholds; and, where appropriate,
 - information that may inform the Minister's discretionary powers under the legislation (for example, the Minister's power to rescind a notice and exempt a person under sections 33AA and 35).
- provide guidance from a whole of government perspective on managing implications that may arise from citizenship loss cases; and
- provide general advice to the Secretary of DIBP on the implementation of the citizenship loss provisions.

The Australian Counter Terrorism Centre Joint Operations Group may support the work of the Board by referring possible candidates to DIBP and the Australian Border Force for possible consideration of citizenship loss.

Membership

The Department of Immigration and Border Protection chairs the Board, which is made up of Deputy Secretary level representatives from the following departments and agencies:

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- Department of the Prime Minister and Cabinet;
- Department of Foreign Affairs and Trade;
- Australian Secret Intelligence Service
- Attorney-General's Department;
- Australian Crime Commission;
- Australian Federal Police;
- Australian Security Intelligence Organisation;
- DIBP (Deputy Secretaries: Policy; Visa and Citizenship Services; Intelligence and Capability; and Deputy Commissioner Operations); and
- Department of Defence.

This membership enables the Board to bring an appropriate range of cross portfolio perspectives and expertise to the implementation of the legislation.

Frequency of meetings

The Board will meet as required at the discretion of the Chair.

Secretariat role

DIBP will provide secretariat support to the Board.

CONTACT:	For inquiries please contact Secretariat Citizenship Loss Board s47E(d) [REDACTED]
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