

SUPPLEMENTARY SUBMISSION NO. 501.1

JOINT STANDING COMMITTEE ON MIGRATION

INQUIRY INTO MULTICULTURALISM

Attorney-General's Department

The Committee asked the following questions at the hearing on 14 March 2012:

1. What are grants recipients doing with the funding?

Grants support activities developed by community organisations and institutions to assist individuals and groups to resist or disengage from intolerant and radical ideologies, and encourage positive and constructive community participation.

Projects funded through grants include:

- developing educational resources to better equip students and teachers to understand and address factors leading to radicalisation
- producing and disseminating messages that counter violent extremist ideologies
- intercultural and interfaith education in schools to foster greater understanding and tolerance by developing critical thinking and conflict resolution skills
- skill development, peer support and team building activities for at-risk individuals to assist in building individual resilience to radicalisation
- sports activities that promote understanding and inclusion to reduce the vulnerability of marginalised youth to recruitment by violent extremists
- online resources and activities to connect with international scholars to develop counter narratives that address violent extremist ideologies and provide opportunities for non-violent expression of views
- leadership training and mentoring skills training for young Australians to increase participation in civic society, encourage positive decision making and increase engagement with local communities, and
- multimedia and communication training for young people from diverse communities to produce stories that reflect their concerns and interests, including the portrayal of their communities by mainstream media.

Précis of each project funded under the grant program were provided in Appendix B of the Attorney-General's Department's original submission to the Committee.

2. a. Are we in the same position as Britain, where we would struggle to deport undesirable people because of UN laws of some sort?

Australia has international human rights obligations arising under the *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) that may be relevant to deportations from Australia. Under article 3 of the CAT, Australia is obliged not to remove a person to a country where there are substantial grounds for believing that they would be in danger of being subjected to torture. Australia also has implied non-refoulement obligations under articles 6 and 7 of the ICCPR and under the Second Optional Protocol to the ICCPR not to remove a person to a country where there is a 'real risk' that the person would face the death penalty, arbitrary deprivation of life, torture or

cruel, inhuman or degrading treatment or punishment. Such a risk must be a necessary and foreseeable consequence of the person's removal.

Depending on an individual's circumstances, other obligations under human rights treaties to which Australia is a party may also be relevant to circumstances involving deportation from Australia. For example, Australia has an obligation under article 17 of the ICCPR to ensure that persons removed from Australia are not subjected to arbitrary or unlawful interference with the family, and under article 3 of the Convention on the Rights of the Child, to take into account as a primary consideration the best interests of the child in all actions concerning children.

b. What about if they hold dual nationality?

Australia's obligations outlined in question 2a apply to any person who may be facing removal from Australia, including a person who holds dual nationality.

Where a person is an Australian citizen with dual citizenship, article 12(4) of the ICCPR may also be relevant. Article 12(4) provides that no one shall be arbitrarily deprived of the right to enter their own country.

3. On what grounds can we revoke citizenship?

This matter falls within the portfolio of the Department of Immigration and Citizenship, which has advised as follows:

The *Australian Citizenship Act 2007* (the Act) sets out the legal requirements for Australian citizenship and for revoking Australian citizenship. Australian citizenship may only be revoked in very limited circumstances, where the person has acquired citizenship by application and:

- is convicted of migration fraud that led to the person becoming an Australian citizen and/or
- is convicted of citizenship fraud; or acquires citizenship through third party fraud, and/or
- is found to have committed a serious criminal offence prior to becoming a citizen for which they are convicted after becoming a citizen.

After one or more of these criteria are met, the Minister must then decide if it is contrary to the public interest for the person to remain an Australian citizen. If the Minister decides this is the case, the Minister may then revoke the person's Australian citizenship in writing.

Children under the age of 18 may also have their citizenship revoked unless the other responsible parent is an Australian citizen or the child would become stateless.

There is no provision that allows the Minister to revoke a person's Australian citizenship where that person commits a serious offence after they have acquired Australian citizenship. Also, there is no provision to revoke a person's Australian citizenship where the person has acquired it 'automatically' as set out by the Act, including being born in Australia to a parent who is an Australian citizen or who holds a permanent residence visa.

If the Minister revokes a person's Australian citizenship, the person receives an Ex Citizen Visa under the *Migration Act 1958* (the Migration Act), which is a permanent visa that provides for stay in Australia but has no right of re-entry to Australia. A person

holding an Ex-Citizen Visa who does not meet the character requirements of the Migration Act and subsequently has their visa cancelled under Section 501 will be detained as a non-citizen who is known to be, or reasonably suspected of being, unlawful. The Migration Act provides for such unlawful non-citizens to be removed from Australia as soon as reasonably practicable.

4. Market research results

To be provided.

The following additional questions were taken on notice after the hearing:

5. As part of the Government's National Action Plan on Social Cohesion, Harmony and Security, the Government has allocated \$9.7million over four years to the Countering Violent Extremism Taskforce to prevent domestic violent extremism in Australia.

a. What geographical areas are considered 'hot spots'?

From consultation with intelligence and law enforcement agencies, we are aware that there are particular areas in Australia that are at greater risk of radicalisation.

Some geographical areas in Australia have been identified as having communities that are the most vulnerable to the threat of radicalisation to violent extremism and therefore most in need of support. The specific locations are not able to be disclosed due to security considerations.

b. How does the Department determine where the high-risk hotspot areas are that require targeted programs?

Community consultation is a key focus of the Government's CVE approach because it gives communities an opportunity to express their needs and share ideas for addressing violent extremism. Communities have self-selected participation in the program by, for example, applying for grants to address the risk of violent extremism in their local community. A number of initiatives focused on community driven programs are being progressed as a result of community feedback. The Department also works in close collaboration with the Australian Security Intelligence Organisation and the Australian Federal Police. Details of advice provided by those organisations are not able to be disclosed due to security considerations.

c. What are the indicators?

We know that radicalisation processes are at work in some Australian communities.

While there is no single path or set of characteristics that makes an individual vulnerable to radicalisation, factors that can contribute to the radicalisation of individuals include:

- real or perceived social and economic disadvantage
- individual social and psychological needs and reactions
- identity issues, including the search for individual identity among apparently conflicting cultural reference points
- identification with, and adoption of, particular ideologies and belief systems that are hostile to liberal democratic norms and values

- the dynamics of small groups, including those that form around charismatic figures, often separated from the mainstream of their community and broader society, and
- the broader political environment, including grievances relating to local or national affairs, and reactions to overseas events and government responses to those events.

d. How does the Department distribute these funds?

The Attorney-General's Department undertakes activities that align with the national strategic approach to CVE and contribute to achieving the following four objectives:

1. Identify and divert violent extremists and, when possible, support them in disengaging from violent extremism.
2. Identify and support at-risk groups and individuals to resist and reject violent extremist ideologies.
3. Build community cohesion and resilience to violent extremism.
4. Achieve effective communications that challenge extremist messages and support alternatives.

Specific projects already undertaken or under way include:

- Community engagement forums held during 2010 and 2011 in Sydney and Melbourne, which provided an opportunity for the Attorney-General and other Australian Government representatives to speak directly with community groups about community needs and gain ideas for addressing long-term causes of extremism at the community level.
- A grants program that supports activities developed by community organisations and institutions to assist individuals and groups to resist or disengage from intolerant and radical ideologies, and encourages positive and constructive community participation.
To date, 29 grants have been awarded to the value of \$2.8 million.
- Development of a website that provides communities with information on the Australian Government's CVE policy, guides them on where to go for help or support services and encourages dialogue on CVE-related issues.
- Independent market research has been commissioned to build an understanding of current awareness and attitudes held by the Australian public on CVE. This research has informed and will continue to provide strategic guidance to CVE programs and initiatives.
- Development of a comprehensive program evaluation framework for evaluating the impact and effectiveness of the CVE program activities. The framework has informed the next stage of the evaluation project, which is a base-lining activity to demonstrate the impact the CVE program will have made over the four years of the program.
- Development of a CVE research database following a thorough literature review and analysis of existing CVE research.
- The Attorney-General's Department, in its capacity as Secretariat of the National Counter-Terrorism Committee's CVE Sub-Committee, is establishing a research

panel for the provision of research relating to countering violent extremism. The panel will support the timely commissioning of research projects that will contribute to the evidence base for the CVE program. It also will facilitate sharing of research across jurisdictions.

- Supporting State and Territory agencies in delivering programs to assist the rehabilitation of prisoners convicted of terrorism offences and prevent the radicalisation of other inmates as well as broader CVE initiatives in all jurisdictions.

e. What is the criterion that an organisation or project must meet to receive grant money?

The grants program sets specific eligibility criteria to ensure grants are awarded to organisations committed to, and capable of, delivering projects that build community resilience to violent extremism. These criteria are set out in the grant guidelines for each round of funding. For example in the latest round of funding the criteria are:

- ability of the proposed project to achieve the objectives of the program as listed in Section 1.2 of the Guidelines (available at www.ag.gov.au/cve)
- demonstrated clear need for the proposed project, including an explanation of the likely consequences should the project not go ahead
- demonstrated community involvement in, or support for, the development, management and evaluation of the project
- evidence of an evaluation plan for the project
- evidence of experience in project managing activities that are the same or similar to the proposed project, including collaboration with the community in which the proposed project will take place and organisational and financial capacity, and
- evidence of an awareness of the potential risks associated with the proposed project and a risk mitigation strategy.

Additionally, under grants program guidelines, in order to be eligible:

- an applicant must be, at the time of its application, an association incorporated in the State or Territory in which it will carry out the proposed project, and is
 - a not-for-profit organisation, or
 - a local government organisation
- the applicant must not be:
 - an individual
 - a political organisation
 - any Australian Government or State or Territory government agency, or
 - a commercial and for-profit organisation.

The grants recipients have established community relationships to support the projects at the grass roots level. Organisations that receive government funding under this program must meet strict reporting requirements, to ensure that they are meeting agreed CVE objectives.

The Department monitors the implementation of each grant project. All grants recipients are required to complete evaluation reports and meet key milestones.

f. Is there competition for grant money?

Grant rounds are competitive. In 2011 the Attorney-General's Department received 186 applications for funding through the grants program. Twenty of the applicants received funding for specific projects. The strong interest in the program reflects the drive within the community to support localised solutions and address factors that contribute to vulnerability to violent extremism.

g. How does the Department prioritise grant applicants?

Applications are assessed by a grants assessment team, comprised of independent assessors and policy officers from the Attorney-General's Department.

Applications are assessed against the criteria listed above in response to question 5e. Factors such as ensuring a diverse range of projects are funded and feedback from the relevant State and Territory governments are also taken in to account.

h. Does the Department plan to evaluate the program? If so, when? Will that evaluation be made public?

A priority for the CVE Unit within the Attorney-General's Department is a robust evaluation of the CVE program to measure its efficiency, effectiveness and sustainability. As part of this process, the CVE Unit is procuring the services of an independent evaluation specialist who will collect and analyse data around the program to form a baseline against which the influence of the CVE program over its initial four years can be assessed.

The results of the full evaluation of the CVE program will not be available until after the current funding period ends in 2013-14. Some aspects of the evaluation will be made public. Other parts of the evaluation may not be appropriate for dissemination because of national security considerations.

6. To what extent does the Taskforce collaborate with State, Territory and Local government bodies to address issues of community cohesion and local resilience against violent extremism?

The CVE Unit in the Attorney-General's Department was established in 2010 to manage, develop and coordinate CVE activities across all levels of government to lessen the impact and appeal of violent extremist ideologies. The CVE Unit works closely with State and Territory counterparts in First Ministers' departments, police forces and multicultural and social policy agencies to ensure CVE efforts are appropriately focused on individuals and communities most vulnerable to extremist influences. The formal mechanism for engaging with jurisdictions is the Countering Violent Extremism sub-committee (CVESC) of the National Counter-Terrorism Committee.

State and Territory government representatives are also consulted regarding the potential value of projects proposed in grant applications.

The CVE Unit developed the Resilient Communities website in consultation with key stakeholders including members of the CVESC. The mechanisms through which the CVE Unit collaborates and consults across government at all levels with regard to the CVE program are detailed in our responses to questions 8 and 9(a and b) below.

The CVE program also relies heavily on close and ongoing engagement between government and community organisations and representatives. This approach recognises that any solutions must be locally appropriate and implemented with the active support of local communities. Seeking input to the CVE program from representative community organisations and agencies working with or providing services to communities is therefore an important part of this approach. The CVE Unit runs community engagement activities such as forums with community leaders and a grants program to support community-led initiatives to counter the influence of violent extremist ideologies.

7. How does the Resilient Communities website aim to engage with local communities? How much online traffic does the website generally receive and is it something the Department will continue to run?

Violent extremism is a complex and often sensitive issue to discuss. The Resilient Communities website provides an easily accessible platform for informing the public and generating discussion about Australia's approach to CVE. It supports the objectives of Australia's CVE strategy by empowering communities to understand and address extremist ideologies.

The website helps to increase the profile, and therefore the reach, of community-based projects aimed at countering violent extremism.

The website also offers a platform for disseminating information and messages that challenge violent extremist ideologies. Research and international experience show that community resilience and effective counter-narratives are needed to reduce the potential for violent extremist ideologies to take hold and spread.

Community involvement in the CVE program is particularly important because communities are often best placed to take preventative action or intervene before law enforcement action is needed. The website and its resources encourage the community, acknowledge their role and support community action. The site encourages feedback and contributions through the interactive blog, events calendar and news stories, and the feedback received helps to shape CVE initiatives.

The website is also a useful vehicle for sharing experiences and resources created through the projects funded under our grants program.

As at 18 April 2012, there have been more than 5,600 visits to the website since it was launched in October 2011, with an average of five page views per visit and over four minutes spent on the site. Visitors have been active in contributing blog comments, news articles and community event listings to the website.

The Department will continue to host the website for as long as it is a useful and effective component of Australia's CVE strategy.

8. As part of funding for the Program, \$2.9 million was reallocated from the Department of Immigration and Citizenship's National Action Plan to the Build Social Cohesion, Harmony and Security program.

If social disadvantage and barriers to participation are causal factors that lead to alienation and the potential for radicalisation, would there be advantages in running the program in other departments – like Education, Sport and Family and Community Services, and the multiculturalism areas of the Immigration Department? If so, what would these advantages be? What are the advantages of having the program in the Attorney-General's portfolio?

The Government's Counter-Terrorism White Paper acknowledged the risk of home-grown terrorism and highlighted the importance of building strong communities to resist the development of violent extremism. That is why Australian governments at all levels will continue to work with communities to lessen the impact and appeal of radicalising influences.

The CVE Unit within the Attorney-General's Department provides the overarching national strategic direction for the development of CVE policies and coordinates CVE activities across State, Territory and Australian Government agencies. The focus of the CVE Unit is on reducing the risk of home-grown terrorism by strengthening Australia's resilience to radicalisation and assisting individuals to disengage from violent extremist influences and beliefs. Although extremely important, community resilience programs do not constitute the entirety of Australia's CVE strategy. Our CVE activities may benefit the broader social agenda but this is not the primary purpose of the CVE program.

It is essential that the approach to CVE is driven by a solid evidence base. A critical component of this evidence base is intelligence. Intelligence collection and analysis is undertaken by security and law enforcement agencies that sit within the Attorney-General's portfolio with the Attorney-General's Department responsible for national security law and policy. The contribution of these operational agencies to the evidence base for the CVE program is essential in assisting the CVE Unit in focusing on areas where risk factors that can make individuals and communities vulnerable to radicalisation are present.

The existing arrangements allow for a holistic approach to CVE that covers the full spectrum of radicalisation and violent extremism, and addresses national security and social policy objectives.

Collaboration among the Australian Government and State and Territory governments on CVE is effectively facilitated through the existing National Counter Terrorism Committee mechanism.

To support information sharing and collaboration, the Department chairs a regular stakeholder group meeting, attended by members from Australian Government departments and agencies that communicate directly with communities that the CVE program seeks to engage with.

The stakeholder group aims to:

- provide a forum to support domestic CVE planning and coordination, including in relation to communication
- support regular engagement and harness opportunities and ideas across agencies

- help to identify any risks and issues relating to CVE, and
- assist with identifying ways to monitor and evaluate the outcomes of the CVE activities.

The group includes members from the Department of Human Services, the Department of Employment, Education and Workplace Relations, the Department of Immigration and Citizenship, the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet, the Australian Federal Police and the Australian Security Intelligence Organisation.

The Attorney-General's Department also chairs an Inter-departmental Committee on CVE, attended by representatives from the following Departments/agencies:

- Attorney-General's Department – Human Rights Branch
- The Department of Immigration and Citizenship
- The Department of Prime Minister and Cabinet
- The Department of Foreign Affairs and Trade
- The Department of Finance and Deregulation
- The Department of Families, Housing, Community Services and Indigenous Affairs
- The Department of Employment, Education and Workplace Relations
- The Department of Human Services (including Centrelink and Medicare Australia)
- The Department of Broadband, Communications and the Digital Economy
- The Australian Crime Commission
- Australian Customs and Border Protection Service
- The Australian Federal Police
- The Australian Human Rights Commission
- The Office of National Assessments
- The Australian Security Intelligence Organisation
- The Australian Institute of Criminology
- Defence Science and Technology Organisation, and
- The Treasury.

9. Your submission notes that Australian jurisdictions work together to ensure an efficient and effective national approach through the CVE sub-committee (CVESC) of the National Counter-Terrorism Committee

a. What is the organisational structure of the CVESC?

The CVE Sub-Committee (CVESC) of the National Counter-Terrorism Committee facilitates the coordination and cooperation of Australian jurisdictions in CVE. The CVESC comprises representatives from all jurisdictions as well as the Department of the Prime Minister and Cabinet, the Department of Immigration and Citizenship, the Australian Federal Police and the Australian Security Intelligence Organisation.

The CVESC is co-chaired by the Australian Attorney-General's Department and the Victorian Department of Premier and Cabinet.

A working group that focuses on issues of radicalisation, deradicalisation and rehabilitation in prisons has also been set up under the CVESC with representatives from a number of jurisdictions.

b. To what extent does the Taskforce collaborate with any other Federal Departments, particularly the Government's Social Inclusion Unit?

See response to question 8 above.

Where the CVE Unit needs advice on policies and programs that support individuals and communities and increase social cohesion and inclusion, we consult closely with the Social Inclusion Unit at the Department of the Prime Minister and Cabinet, and colleagues in other departments and agencies. Our targeted CVE program runs alongside broader social inclusion programs and is aimed specifically at supporting those who may be more vulnerable to recruitment by terrorists.

While the activities of the CVE program may benefit the broader social inclusion agenda, the primary purpose of the CVE program is to empower communities to be strong and resilient in the face of violent extremist ideology.

c. What role do ASIO and law enforcement forces have in the CVESC?

The Australian Security Intelligence Organisation and Australian Federal Police are members of the CVESC and active contributors in the whole of government approach to CVE. Law enforcement agencies from a number of jurisdictions are also represented on the CVESC.