



Migration (Minister) (GIDAM 4 – Community Protection) Delegation and Authorisation 2017 (No.2)

I, Peter Dutton, Minister for Immigration and Border Protection:

1. acting under my powers in subsection 496(1) of the *Migration Act 1958* (the Act) and subregulation 1.16(1) of the *Migration Regulations 1994* (the Regulations), REVOKE the Governance Instrument of Delegation and Authorisation GIDAM 4 Community Protection, signed on 9 May 2017;
2. acting under my powers in subsection 496(1) of the Act and subregulation 1.16(1) of the *Migration Regulations 1994* (the Regulations), DELEGATE my powers under those provisions of the Act and the Regulations, excluding any instrument-making powers, specified in the relevant columns of Schedules 1 to 5 to this Instrument, to each person holding, or occupying, or performing the duties of, a position at the level indicated in Schedules 1 to 5 to this Instrument;
3. acting under the definition of “*authorised officer*” in subsection 5(1) of the Act, AUTHORISE each person holding, or occupying, or performing the duties of a position at the level indicated in Schedules 6 to 8 to this Instrument, to be an *authorised officer* for the purposes of those provisions of the Act and the Regulations that are specified in the relevant columns of Schedules 6 to 8 to this Instrument;
4. acting under the definition of “*clearance officer*” in section 165 of the Act AUTHORISE each person holding, or occupying, or performing the duties of a position at the level indicated in Schedules 9 to 10 to this Instrument, to be a *clearance officer* for the purposes of Division 5 of Part 2 of the Act; and
5. acting in accordance with subsection 496(1A) of the Act, DIRECT that the specified powers or functions may only be exercised by the specified officer only if the powers and functions are relevant to the officer’s duties.

This Instrument, *Migration (Minister) (GIDAM 4 – Community Protection) Delegation and Authorisation 2017 (No.2)*, commences immediately after signature.

Dated 20 June 2017

THE HON PETER DUTTON MP
Minister for Immigration and Border Protection

Row 1	STATUS RESOLUTION BRANCH						
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s5(1)	Definition of "bogus document"	X	X	X	X	X
	s18	Power to obtain information/documents about unlawful non-citizens	X	X	X	X	X
	s24	Information and documents that incriminate a person	X	X	X	X	X
	s25	Power to inspect or make copies of certain documents	X	X	X	X	X
	s26	Power to retain certain documents	X	X	X	X	X
	s29	Power to grant a visa			X	X	X
	s40(3)	Circumstances for granting visas			X	X	X
	s41(2A)	Power to waive conditions on visa regulations			X	X	X
	s41(3)	Additional visa conditions specified by the Minister			X	X	X
	s47	Consideration of valid visa application			X	X	X

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under the *Freedom of Information Act 1982*

For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the relevant branch:

"X" means the power indicated above is delegated

Row 1	STATUS RESOLUTION BRANCH						
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s51	Order of consideration of visa applications			X	X	X
	s55	Further information may be given until Minister makes decision re: granting or refusing visa	X	X	X	X	X
	s56	Power to seek further information	X	X	X	X	X
	s57	Certain information must be given to applicant	X	X	X	X	X
	s58	Invitation to give further information or comments	X	X	X	X	X
	s60	Requirement to undergo medical examination			X	X	X
	s62	Power to grant/refuse visa if failure to receive information			X	X	X
	s63	When decision about visa may be made			X	X	X
	s65	Decision to grant or refuse grant of visa			X	X	X
	s66	Notification of decision in the prescribed way			X	X	X

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Row 1	STATUS RESOLUTION BRANCH						
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s73	Bridging visas			X	X	X
	s75(2)	Extension of period of application for bridging visa as agreed between applicant and Minister			X	X	X
	s87A	Grant of visa to persons unable to meet criteria due to circumstances outside their control			X	X	X
	s109	Cancellation of visa if information incorrect				X	X
	s116	Power to cancel visa				X	X
	s119	Notice of proposed cancellation				X	X
	s120	Certain information must be given to visa holder				X	X
	s154	Effect of cancellation etc. on criminal justice visa	X	X	X	X	X
	s169	Section 166 not usually to apply	X	X	X	X	X
	s494D	Circumstances in which Minister does not need to comply with conditions under subsection 494D(1)	X	X	X	X	X

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Row 1	STATUS RESOLUTION BRANCH						
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	r1.03	Definitions	X	X	X	X	X
	r2.08A	Addition of certain applicants to certain applications for permanent visas			X	X	X
	r2.20	Eligible non-citizen (Act, s72)			X	X	X
	r2.55	Giving of documents relating to proposed cancellation, cancellation or revocation of cancellation				X	X
	r3.10	Use of information				X	X

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Row 1	DEPUTY CHIEF MEDICAL OFFICER IMMIGRATION HEALTH		
Row 2	Power - Section/Regulation	Title/description (for information only)	Deputy Chief Medical Officer
	cl785.222(b)	Criteria to be satisfied at time of decision - medical examination to be carried out by approved medical practitioner (Subclass 785 Temporary Protection visa)	X
	cl785.222(c)	Criteria to be satisfied at time of decision - medical examination to be carried out by medical practitioner employed by an approved organisation (Subclass 785 Temporary Protection visa)	X
	cl790.222(b)	Criteria to be satisfied at time of decision - medical examination to be carried out by approved medical practitioner (Subclass 790 Safe Haven Enterprise visa)	X
	cl790.222(c)	Criteria to be satisfied at time of decision - medical examination to be carried out by medical practitioner employed by an approved organisation (Subclass 790 Safe Haven Enterprise visa)	X
	Visa Condition 8529	Visa holder to undergo medical examination/chest x-ray examination by approved practitioner	X

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Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s5(1)	Definition of "bogus document"	X	X	X	X	X	X	X	X
	s5(1)	Definition of "immigration detention"				X	X	X	X	X
	s5(1)	Definition of "excluded fast track review applicant"				X	X	X	X	X
	s18	Power to obtain information/documents about unlawful non-citizens				X	X	X	X	X
	s24	Information and documents that incriminate a person				X	X	X	X	X
	s25	Power to inspect or make copies of certain documents				X	X	X	X	X
	s26	Power to retain certain documents				X	X	X	X	X
	s29	Power to grant a visa	X	X	X	X	X	X	X	X
	s41(2A)	Power to waive conditions on visa regulations							X	X
	s41(3)	Additional visa conditions specified by the Minister	X	X	X	X	X	X	X	X
	s65	Decision to grant or refuse grant of visa			X	X	X	X	X	X
	s66	Notification of decision in the prescribed way			X	X	X	X	X	X

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the relevant branch:

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Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s73	Bridging visas						X	X	X
	s107	Notice of incorrect applications			X	X	X	X	X	X
	s108	Decision about non-compliance			X	X	X	X	X	X
	s109	Cancellation of visa if information incorrect				X	X	X	X	X
	s116	Power to cancel visa			X	X	X	X	X	X
	s119	Notice of proposed cancellation			X	X	X	X	X	X
	s120	Certain information must be given to visa holder			X	X	X	X	X	X
	s121	Invitation to give comments etc			X	X	X	X	X	X
	s123	Failure to accept invitation not requiring action			X	X	X	X	X	X
	s124	When decision about visa cancellation may be made			X	X	X	X	X	X
	s127	Notification of decision			X	X	X	X	X	X
	s128	Cancellation of visas of people outside Australia			X	X	X	X	X	X
	s129	Notice of cancellation			X	X	X	X	X	X

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Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s131	Decision about revocation of cancellation			X	X	X	X	X	X
	s132	Notification of decision about revocation of cancellation			X	X	X	X	X	X
	s133E(1)	Minister to give written notice of cancellation decision			X	X	X	X	X	X
	s133F(3)	Minister to give notice of original decision			X	X	X	X	X	X
	s134	Cancellation of business visas			X	X	X	X	X	X
	s134B	Emergency cancellation on security grounds					X	X	X	X
	s134C	Decision about revocation of emergency cancellation			X	X	X	X	X	X
	s134D	Effect of revocation of cancellation			X	X	X	X	X	X
	s134E	Notice of cancellation			X	X	X	X	X	X
	s134F	Effect of cancellation on other visas			X	X	X	X	X	X
	s137L	Dealing with the application			X	X	X	X	X	X
	s137M	Notification of decision			X	X	X	X	X	X

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Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s137Q	Cancellation of regional sponsored employment visas				X	X	X	X	X
	s137R	Representations concerning cancellation etc				X	X	X	X	X
	s137S	Notice of cancellation				X	X	X	X	X
	s138	Cancellation and revocation of cancellation of visas - how and when	X	X	X	X	X	X	X	X
	s140(2)	Cancellation of visa results in other cancellation			X	X	X	X	X	X
	s140ZH	Disclosure of personal information by Minister	X	X	X	X	X	X	X	X
	s140ZI	Disclosure of personal information to Minister	X	X	X	X	X	X	X	X
	s164	Effect of cancellation etc. on criminal justice visa				X	X	X	X	X
	s494D(5)(c)	Circumstances in which Minister does not need to comply with conditions under subsection 494D(1)	X	X	X	X	X	X	X	X
	s501(1), (2)&(3A)	Minister's power to refuse to grant a visa if the Minister is not satisfied that the person passes the character test				X	X	X	X	X
	s501CA	Cancellation of visa - revocation of decision under subsection 501(3A) (person serving sentence of imprisonment)							X	X
	s501G	Refusal of visa - notification of decision				X	X	X	X	X

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Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s503A	Protection of information supplied by law enforcement agencies or intelligence agencies							X	X
	r2.20	Eligible non-citizen (Act, s72)			X	X	X	X	X	X
	r2.42	Notice of decision to cancel visa under s109			X	X	X	X	X	X
	r2.43	Grounds for cancellation of visa			X	X	X	X	X	X
	r2.55	Giving of documents relating to proposed cancellation, cancellation or revocation of cancellation			X	X	X	X	X	X
	r2.98	Notice of decision			X	X	X	X	X	X
	r3.10	Use of information			X	X	X	X	X	X

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Row 1	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s5(1)(b)(v)	Definition of "immigration detention"				X
	s15	Removal of immigration rights of inhabitants of Protected Zone				X
	s17(1) & (2)	Information and documents that incriminate a person				X
	s18	Power to obtain information and documents about unlawful non-citizens				X
	s25	Power to inspect or make copies of certain documents	X	X	X	X
	s26	Power to retain certain documents	X	X	X	X
	s29	Power to grant a visa	X	X	X	X
	s41(3)	Additional visa conditions specified by the Minister	X	X	X	X
	s47(1)	Consideration of valid visa application	X	X	X	X
	s50	Only new information to be considered in later protection visa applications				X
	s51(1)	Minister's discretion to consider and dispose of visa applications	X	X	X	X
	s56	Further information may be sought	X	X	X	X
	s57(2)	Minister to give certain information to applicant in appropriate way	X	X	X	X
	s58(4)&(5)	Period to give further information or comment to be extended or changed at Minister's discretion	X	X	X	X

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Row 2	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s60(1)	Minister's power to require applicant to undertake a medical examination		X	X	X
	s62(1)&(2)	Failure to receive information - does not require action	X	X	X	X
	s63(1)	Minister's power to grant or refuse to grant a visa at any time after the application has been made	X	X	X	X
	s64(2)	Minister to give applicant written notice regarding visa application charge	X	X	X	X
	s65	Decision to grant or refuse to grant visa	X	X	X	X
	s66(1)	Minister to notify applicant of decision to grant or refuse to grant visa	X	X	X	X
	s73	Bridging visas	X	X	X	X
	s75(2)	Extension of period of application for bridging visa as agreed between applicant and Minister	X	X	X	X
	s91	Order of dealing with visas	X	X	X	X
	s93	Determination of applicant's score				X
	s94(3)	Initial application of "points" system				X
	s95(2)	Procedure if Minister gives notice under s96 varying applicable pass mark or applicable pool mark				X
	s107	Notice of incorrect applications	X	X	X	X
	s108	Decision about non-compliance	X	X	X	X

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Row 1	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/ description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s109	Cancellation of visa if information incorrect	X	X	X	X
	s116	Power to cancel visa	X	X	X	X
	s119	Notice of proposed cancellation	X	X	X	X
	s120	Certain information must be given to visa holder	X	X	X	X
	s121	Invitation to give comments etc	X	X	X	X
	s123	Failure to accept information - does not require action	X	X	X	X
	s124	When decision about visa cancellation may be made	X	X	X	X
	s127	Notification of decision	X	X	X	X
	s128	Cancellation of visas of people outside Australia	X	X	X	X
	s129	Notice of cancellation	X	X	X	X
	s131	Decision about revocation of cancellation	X	X	X	X
	s132	Notification of decision about revocation of cancellation	X	X	X	X

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Row 1	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s133(2)	Minister's power to vary time that visa is in effect, if cancellation of visa is revoked	X	X	X	X
	s138	Cancellation and revocation of cancellation of visas - how and when	X	X	X	X
	s140(2)	Cancellation of visa results in other cancellation	X	X	X	X
	s200	Deportation of certain non-citizens				X
	s205	Dependents of deportee	X	X	X	X
	s206	Deportation order to be executed				X
	s220	Waiver of requirement				X
	s494B	Methods by which Minister gives documents to a person	X	X	X	X
	s494D(5)(c)	Circumstances in which Minister does not need to comply with conditions under subsection 494D(1)	X	X	X	X
	s501(1), (2)&(3A)	Minister's power to refuse to grant a visa if the Minister is not satisfied that the person passes the character test				X
	s501CA	Cancellation of visa - revocation of decision under subsection 501(3A) (person serving sentence of imprisonment)				X

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Row 1	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s501G(1)(a) & (b), (2)	Refusal or cancellation of visa - notification of decision				X
	s503A(3)	Minister's power to allow disclosure of specified information in specified circumstances				X
	r1.03	Definitions				X
	r1.04	Adoption				X
	r1.20	Sponsorship undertakings				X
	r2.11(4)	Non-citizen to make a further application for certain visa applications that are refused				X
	r2.20	Eligible non-citizen (Act, s72)			X	X
	r2.55	Giving of documents relating to proposed cancellation, cancellation or revocation of cancellation	X	X	X	X
	r3.10	Use of Information			X	X
	r5.19	Approval of nominated positions (employer nomination)				X

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Row 1	HUMAN TRAFFICKING AND CRIMINAL JUSTICE VISAS SECTION IN CASELOAD ASSURANCE BRANCH ONLY					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s164	Effect of cancellation etc on criminal justice visa	X	X	X	X
	r2.07AK	Applications for Referred Stay (Permanent) (Class DH) visas			X	X

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"X" means the power indicated above is delegated

Row 1	STATUS RESOLUTION BRANCH							
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s494B	Methods by which Minister hands document to a person (by way of authorised officer)			AO	AO	AO	AO

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the branch indicated in Row 1,

"AO" means the person is an authorised officer for the power indicated

Row 1	CHARACTER ASSESSMENT AND CANCELLATIONS BRANCH									
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	s43(1)	Authorised way for a visa holder to enter a port				AO	AO	AO	AO	AO
	s191(2)	Conditions for a person detained under section 190(2) to be released from immigration detention			AO	AO	AO	AO	AO	AO
	s250	Detention of suspected offenders			AO	AO	AO	AO	AO	AO
	s252	Searches of persons			AO	AO	AO	AO	AO	AO
	s494B	Methods by which Minister hands document to a person (by way of authorised officer)	AO	AO	AO	AO	AO	AO	AO	AO

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"AO" means the person is an authorised officer for the power indicated.

Row 1	CASELOAD ASSURANCE BRANCH					
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	s17(3)	Authorised officer to determine whether it would be inappropriate to consider a flight to be pre-cleared				AO
	s43(1)	Authorised way for a visa holder to enter a port				AO
	s252	Searches of persons	AO	AO	AO	AO
	s269	Securities	AO	AO	AO	AO

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the branch indicated in Row 1,

"AO" means the person is an authorised officer for the power indicated

Row 1	Section 165 - Interpretation of "clearance officer" (for the purposes of Division 5 of Part 2 of the Act)								
Row 2	Branch	APS 1	APS 2	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
	Character Assessment and Cancellations Branch			CO	CO	CO	CO	CO	CO
	Caseload Assurance Branch					CO	CO	CO	CO

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the branch indicated in Row 1,

"CO" means clearance officer

Row 1	Section 191(1) - Circumstances in which a detainee must be released from immigration detention (in relation to a person complying with section 166 of the Act)					
Row 2	Branch	APS 3	APS 4	APS 5	APS 6	EXEC 1
	Character Assessment and Cancellations Branch	CO	CO	CO	CO	CO

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Row 2, in the branch indicated in Row 1,

"CO" means clearance officer