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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 26 April 2019 WICHAEL PEZZULLO Secretary of the Department of Home Affairs

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Part 1-Preliminary

1 Name

- (1) This instrument is the Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174).
- (2) This instrument may be cited as the Executive Group Instrument (S) 2019.

2 Commencement

This instrument commences on 1 May 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, Australian Border Force Act 2015, Australian Radiation Protection and Nuclear Safety Regulations 2018, AusCheck Act 2007, Aviation Transport Security Act 2004, Crimes Act 1914, Maritime Transport and Offshore Facilities Security Act 2003, Migration Act 1958, Migration Regulations 1994 and Telecommunications (Interception and Access) Act 1979.

4 Definitions

Note 1:

 A number of expressions used in this instrument are defined in the relevant legislation, including the following:

- (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations for the purpose of that Act and Regulations;
- (b) authorised officer is defined in subsection 5(1) of the TIA Act for the purpose of that Act;
- (c) senior authorising officer is defined in subsection 261AE(8) of the Migration Act for the purpose of that section.
- (d) senior authorising officer is defined in subsection 261AK(10) of the Migration Act for the purpose of that section.
- Note 2: Section 2B and subsection 46(1) of the Acts Interpretation Act incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

AusCheck Act means the AusCheck Act 2007.

AusCheck Regulations means the AusCheck Regulations 2017.

APSI means an APS Level 1 classification under the Classification Rules.

APS2 means an APS Level 2 classification under the Classification Rules.

APS3 means an APS Level 3 classification under the Classification Rules.

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Section 4

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APS4 means an APS Level 4 classification under the Classification Rules.

APS5 means an APS Level 5 classification under the Classification Rules.

APS6 means an APS Level 6 classification under the Classification Rules.

ARPNS Regulations means the Australian Radiation Protection and Nuclear Safety Regulations 2018.

ATS Act means the Aviation Transport Security Act 2004.

ATS Regulations means the Aviation Transport Security Regulations 2005.

certifying officer has the same meaning as in the TIA Act.

Classification Rules means the Public Service Classification Rules 2000.

Crimes Act means the Crimes Act 1914.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Executive Group means the Executive Group in the Department of Home Affairs,

Immigration and Border Protection worker has the same meaning as in the *Australian Border Force Act 2015*.

Intelligence Division means the Intelligence Division in the Executive Group.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

MTOFS Act means the Maritime Transport and Offshore Facilities Security Act 2003.

MTOFS Regulations means the Maritime Transport and Offshore Facilities Security Regulations 2003.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

work area means an organisational group or subgroup of the Department.

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5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules to this instrument is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules to this instrument is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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Part 2 AusCheck Regulations

Section 6

Part 2—AusCheck Regulations

6 Delegations

Under section 12 of the AusCheck Act, the powers and functions in the provisions of the AusCheck Regulations, specified in an item in column 1 of the table in Schedule 1 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees who hold, or are acting in, a position or equivalent position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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ARPNS Regulations Part 3

Section 6

Part 3—ARPNS Regulations

7 Authorisations

7

Under paragraph 45(b) of the ARPNS Regulations, persons from time to time holding, occupying, or performing the duties of a position in the Intelligence Division at the classification levels of SES1 and SES2 are authorised to make an application for a licence under section 34 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

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Part 4 ATS Regulations

Section 8

Part 4—ATS Regulations

8 Delegations

Under section 127 of the ATS Act, the powers and functions in the provisions of the ATS Regulations, specified in an item in column 1 of the table in Schedule 2 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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Crimes Act Part 5

Section 9

Part 5-Crimes Act

9 Delegations

Under subsection 15LH(2) of the Crimes Act, the powers and functions in the provisions specified in an item in column 1 of the table in Schedule 3 to this instrument are delegated to the SES employees from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification level identified by "X" in column 3 of the table for that item.

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Part 6 MTOFS Regulations

Section 10

Part 6-MTOFS Regulations

10 Delegations

Under section 202 of the MTOFS Act, the powers and functions in the provisions of the MTOFS Regulations, specified in an item in column 1 of the table in Schedule 4 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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Part 7-Migration Act and Migration Regulations

11 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provisions of the Migration Act, specified in an item in column 1 of Table 1 in Schedule 5 to this instrument, are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision of the Migration Regulations, specified in an item in column 1 of Table 1 in Schedule 5 to this instrument, are delegated to officers from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification level identified by "X" in column 3 of the table for that item.

12 Restricted Migration delegations

Under subsection 496(2) of the Migration Act, the powers and functions in the provision specified in item 1 in column 1 of Table 2 in Schedule 5 are delegated to any persons who from time to time holds, occupies, or performs the duties of a position specified in that table:

- (a) at a classification level identified by "X" in a row in column 3; and
- (b) in the work area specified in that row in column 4;

for that item.

13 Migration authorisations

- (1) Under the definition of *authorised officer* in subsection 5(1) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification level identified by "AO" in column 3 of an item of Table 1 in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of *authorised officer* in regulation 1.03 of the Migration Regulations, officers from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification level identified by "AO" in column 3 of an item of Table 1 in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of *senior authorising officer* in subsection 261AE(8) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification identified by "SAO" in column 3 for an item of Table 1 in Schedule 5 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AE of the Migration Act.

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Part 7 Migration Act and Migration Regulations

Section 10

(4) Under the definition of *senior authorising officer* in subsection 261AK(10) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Executive Group at the classification identified by "SAO" in column 3 for an item of Table 1 in Schedule 5 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AK of the Migration Act.

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Part 8—TIA Act

14 Nominations

Under subsection 110(3) of the TIA Act, the positions in the Intelligence Division at the classification level identified by "NOM" in column 3 of item 3 in the table in Schedule 6 to this instrument are nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

Note: the persons nominated under this section are also authorised under subsection 15(4) of this instrument to be authorised persons for the purpose of subsection 111(2) of the TIA Act.

15 Authorisations

- Under subsection 5AB(1) of the TIA Act, the positions in the Border Intelligence Fusion Centre in the Intelligence Division at the classification level of APS6 are authorised for the purposes of subparagraph (b)(iii) of the definition of *authorised officer* in subsection 5(1) of the TIA Act.
- (2) Under subsection 5AB(1) of the TIA Act, the positions in Executive Group at the classification level identified by "AO" in column 3 for item 1 in the table in Schedule 6 to this instrument are authorised for the purposes of subparagraph (b)(iii) of the definition of *authorised officer* under subsection 5(1) of the TIA Act.
- (3) Under subsection 5AC(10) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "CTO" in column 3 for item 2 in the table in Schedule 6 to this instrument, are authorised to be *certifying officers*.
 - Note: under subsection 16(2) of this instrument, the persons authorised under subsection 15(3) are also delegated the powers and functions under subsection 122(2) of the TIA Act.
- (4) Under subsection 111(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "AP" in column 3 for item 4 in the table in Schedule 6 to this instrument, are authorised for the purposes of subsection 111(2) of the TIA Act.
- (5) Under subsection 135(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Border Intelligence Fusion Centre in the Intelligence Division, at the classification level identified by "AO" in column 3 for item 8 in the table in the Schedule 6 to this instrument, are authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

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Part 8 TIA Act

Section 16

(6) Under subsection 135(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "AO" in column 3 for item 9 in the table in the Schedule 6 to this instrument, are authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

16 Delegations

- (1) Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding, occupying or performing the duties of a position in the Intelligence Division, at the classification level identified by "X" in column 3 of item 5 of the table in the Schedule 6 to this instrument.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to the persons who are authorised to be *certifying officers* under subsection 15(3) of this instrument.

17 Approvals

Under subsection 127(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "APR" in column 3 for item 6 in the table in Schedule 6 to this instrument, are approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

18 Appointments

Under subsection 127(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "APP" in column 3 for item 7 in the table in Schedule 6 to this instrument, are appointed to be approving officers for the purposes of subsection 127(2) of the TIA Act.

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Part 9—Revocation

19 Revocation

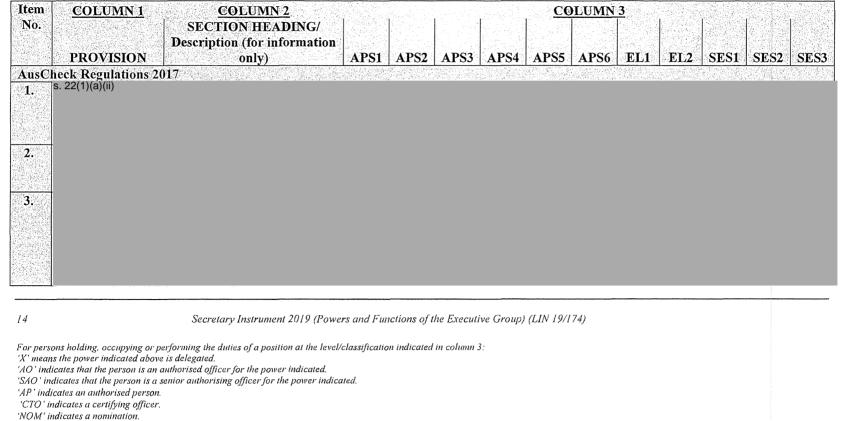
- (1) Under the powers specified in Parts 7 and 8 of this instrument, and subsection 33(3) of the Acts Interpretations Act, the following instruments are revoked:
 - (a) the Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018), which was signed on 9 April 2018; and
 - (b) the Delegations and Authorisations (Amendments) Instrument No. 1.1 of 2018 (Executive Group), which was signed on 10 August 2018.
- (2) Under the powers specified in Parts 2 to 8 of this instrument and subsection 33(3) of the Acts Interpretation Act, the instruments listed in subsection 19(3) insofar as the instruments:
 - (a) delegate powers and functions to persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in Executive Group; or
 - (b) authorise persons from time to time holding, occupying or performing the duties of a position in Executive Group to be; to exercise the powers of; or perform the functions of; an authorised officer; or
 - (c) authorise persons from time to time holding, occupying or performing the duties of a position in Executive Group to be; to exercise the powers of; or perform the functions of; a senior authorising officer;
 - are revoked.
- (3) For the purpose of subsection 19(2), the instruments are:
 - (a) Instrument of Authorisation 2015 (DEL 15/122);
 - (b) Instrument of Authorisation 2016 (Telecommunications (Interception and Access) Act 1979) (DEL 16/049);
 - (c) Instrument of Delegation and Authorisation 2017/037 (DEL 17/037); and
 - (d) *Migration (Secretary) (Infringement Notices) Authorisation 2017* (DEL 17/090).

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Schedule 1 Delegations under the AusCheck Regulations

Schedule 1—Delegations under the AusCheck Regulations

For Part 2 of the instrument.



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'APP' indicates an appointment.

'APR' indicates an approval.

Document 3

Delegations under the AusCheck Regulations Schedule 1

tem	COLUMN 1	COLUMN 2				COL	UMN 3		-			
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1 APS2	APS3	APS4			ET 1	EL2	SES1	SES2 S	FS
4.	s. 22(1)(a)(ii)	Unity)	<u> </u>	AL 55	1.54	AL 55 1			0.02	SEGT	0102 0	1215.
5.	-											
6.												
-												
7.												
7.		Secretary Instrum	ent 2019 (Powers an	d Functions o	of the Exec	utive Group	p) (LIN 19.	(174)				1:

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Document 3

Schedule 1 Delegations under the AusCheck Regulations

Item	<u>COLUMN 1</u>	COLUMN 2		<u> </u>	COLUMN 3	1	
No.	BROMISION	SECTION HEADING/ Description (for information	APS1 APS2 A	PS3 APS4 APS	5 APS6 EL1	EL2 SES1	SEC1 SEC3
8.	PROVISION s. 22(1)(a)(ii)	only)	AISI AIS2 A	F 55 AF 54 AF 5 .		LL2 SESI	SES2 SES3
9.							
9.							
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11.							
						910 ⁷ 10 11	

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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Delegations under the AusCheck Regulations Schedule 1

Item	COLUMN 1	COLUMN 2		CO	DLUMN 3	
No.	<u></u>	SECTION HEADING/				
		Description (for information	n			
	PROVISION a. 22(1)(a)(ii)	only)	APS1 APS2 A	PS3 APS4 APS5	APS6 EL1 EL	2 SES1 SES2 SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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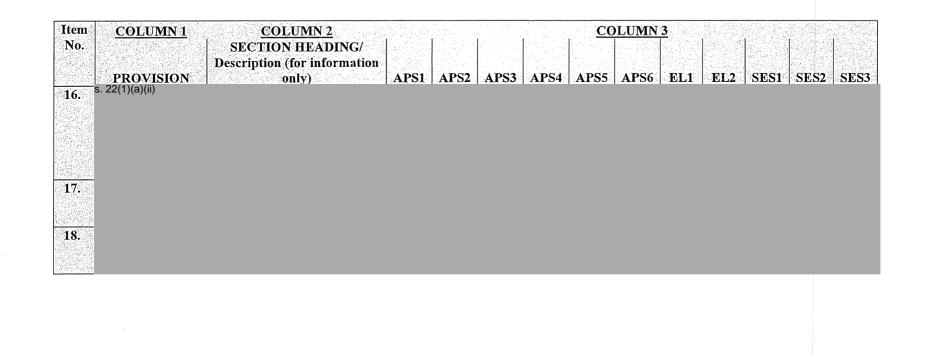
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Schedule 1 Delegations under the AusCheck Regulations



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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Delegations under the AusCheck Regulations Schedule 1

tem No.	COLUMN 1	COLUMN 2 SECTION HEADING/ Description (for information						LUMN .					2 4 1
	PROVISION	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
19.	s. 22(1)(a)(ii)												
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

- For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.
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Item	<u>COLUMN 1</u>	COLUMN 2		1		COLU	<u>MN 3</u>		
No.		SECTION HEADING/							
	PROVISION	Description (for information	APS1	APS2 AI	PS3 APS4	APS5 AI	PS6 EL1	EL2 SES	1 SES2 SES3
22.	s. 22(1)(a)(ii)	only)	Arsi	AF 52 AI	105 AL 54	AI 55 AI			I 5E52 5E55
44.									
23.									
24.									

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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Delegations under the AusCheck Regulations Schedule 1

Item No.	<u>COLUMN 1</u> PROVISION	COLUMN 2 SECTION HEADING/ Description (for information only)	APS1 APS2 APS		LUMN 3 APS6 EL1 EL2	SFS1 SFS2 CFC
25. 26. 27.	s. 22(1)(a)(ii)					
		Secretary Instrume	ent 2019 (Powers and Function	and of the Executive Cu	(10, 10, 10, 10, 10, 10, 10, 10, 10, 10,	2

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates that the person is an authorised officer for the power indicated.

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Schedule 1 Delegations under the AusCheck Regulations

item No.	COLUMN 1	COLUMN 2 COLUMN 3 SECTION HEADING/	
	PROVISION	only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2	2 SES
28. ^s	. 22(1)(a)(II)		
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2		Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)	

'AO' indicates that the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.

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Document 3

Delegations under the AusCheck Regulations Schedule 1

Item	COLUMN 1	COLUMN 2	COLUMN	<u>13</u>	
No.		SECTION HEADING/ Description (for informati			
	PROVISION . 22(1)(a)(ii)	only)	3 APS4 APS5 APS6	EL1 EL2 SES1	SES2 SES3
34. ^s	. 22(1)(d)(ll)				
35.					
36.					
37.					

Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Document 3

Schedule 2 Delegations under the ATS Regulations

Schedule 2—Delegations under the ATS Regulations

For Part 4 of the instrument.

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for information						LUMN	[1			
	PROVISION	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Aviatio	on Transport Secu	rity Regulations 2005											
2.													
2.													

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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Schedule 3—Delegations under the Crimes Act

For Part 5 of the instrument.

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/	<u>COLUMN 3</u>										5.7
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crime s.	s Act 1914 22(1)(a)(ii)				Said Isr.								
2. 3.													
4.													
5.													
6.													
7.													

Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Document 3

Schedule 3 Delegations under the Crimes Act

No.		SECTION HEADING/		4. 就是自己的 中心	Press of Constant								
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
경소지원(공)		assumed identity		·									
8. S. 2	22(1)(a)(ii)												
9.													
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 4—Delegations under the MTOFS Regulations

For Part 6 of the instrument.

Item	COLUMN 1	COLUMN 2					<u>C0</u>	LUMN	<u>3</u>				
No.	PROVISIØN	SECTION HEADING/ Description (for information only)	APS1	APS2	A DC3	ADCA	APS5	ADSC	DT 1	EL2	SES1	CT CO	SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Schedule 5—Authorisations and delegations under the Migration Act and the Migration Regulations

For Part 7 of the instrument.

Table 1

Item	COLUMN 1	COLUMN 2		1			<u>C0</u>	LUMN	3	. /	1		
No.		SECTION HEADING/ Description (for	1						[1			-
	PROVISION	information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

Item	COLUMN 1	COLUMN 2	COLUMN 3
No.		SECTION HEADING/ Description (for	
s	PROVISION 22(1)(a)(ii)	information only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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'AP' indicates an authorised person.

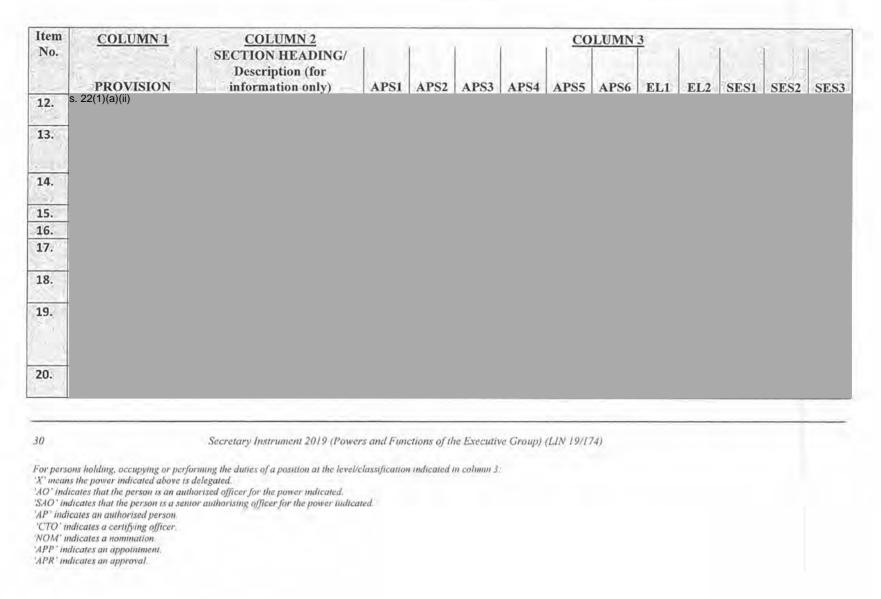
'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



Released by Department of Home Affairs under the Freedom of Information Act 1982 Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

Item	COLUMN 1	COLUMN 2	COLUMN 3
No.	PROVISION	SECTION HEADING/ Description (for information only)	APSI APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
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		Secretary Instrume	nt 2019 (Powers and Functions of the Executive Group) (LIN 19/174) 31

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: "X" means the power indicated above is delegated.

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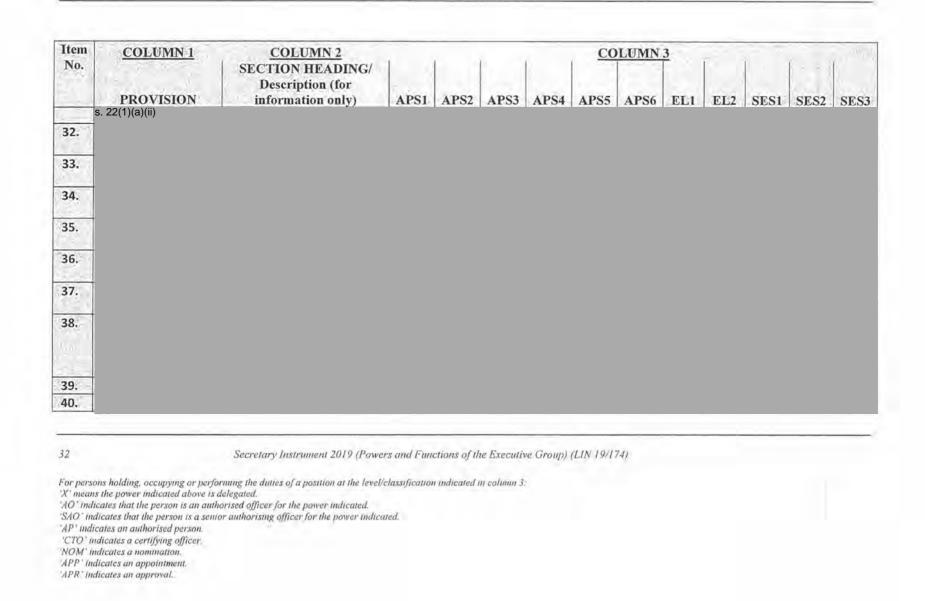
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Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



Released by Department of Home Affairs under the Freedom of Information Act 1982 Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

Item	COLUMN 1	COLUMN 2	COLUMN 3
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duites of a position at the level/classification indicated in column 3:

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'NOM' indicates a nomination.

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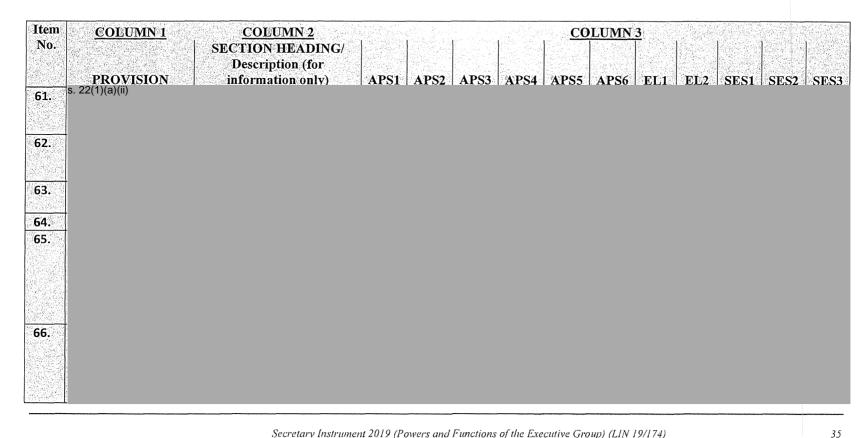
Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Item CO	LUMN 1	COLUMN 2			COLUMN 3	1	
No.		SECTION HEADING Description (for					
PRO s. 22(1)(a)	VISION	information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2 SES	1 SES2 SES3
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Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5



Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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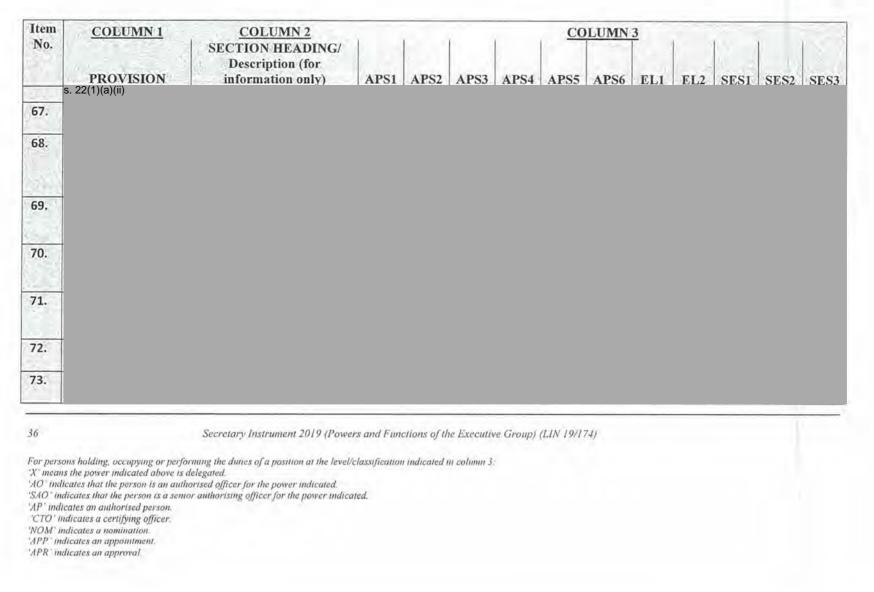
'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



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Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

ltem No.	COLUMN 1 PROVISION	COLUMN 2 SECTION HEADING/ Description (for information only)	COLUMN 3 APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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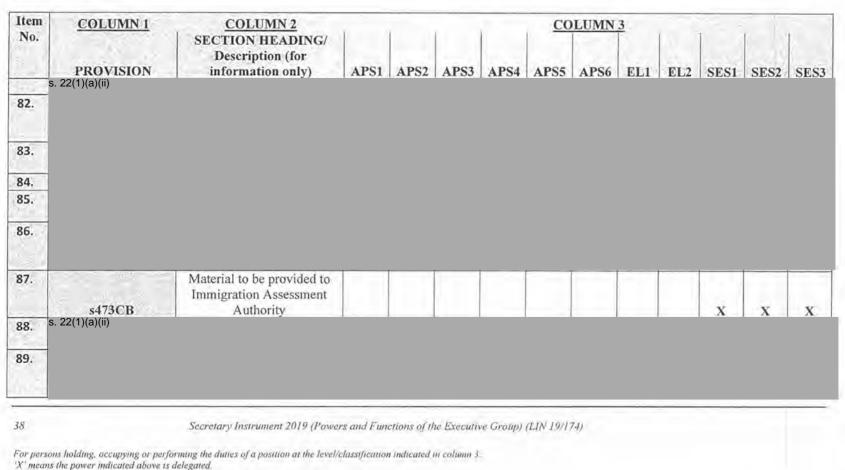
'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment. 'APR' indicates an approval.

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



'AQ' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval

Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

Item	COLUMN 1	COLUMN 2		-	CO	LUMN 3			
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1 APS2	APS3 A	PS4 APS5		1 EL2	SES1 SES2	SEST
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.

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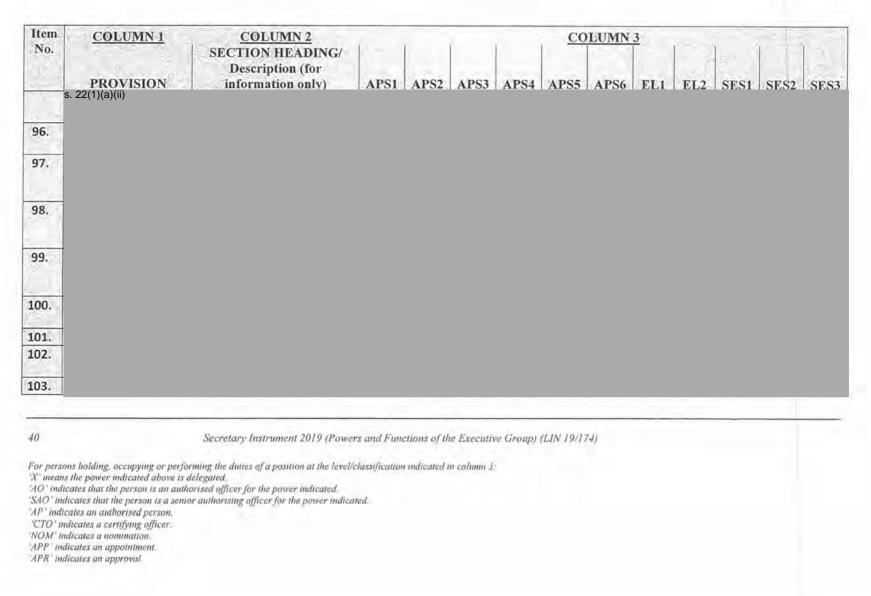
'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



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Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

COLUMN 1	COLUMN 2				CO	LUMN	3			
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Document 3

'SAO' indicates that the person is a senior authorising officer for the power indicated.

AP indicates an authorised person. 'CTO' indicates a certifying officer. NOM' indicates a nomination. APP' indicates an appointment. 'APR' indicates an approval. Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

No.	Imm 1 COLUMN 2 SECTION HEADING/ COLUMN 3 Description (for COLUMN 3 ISION Information only)
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42	Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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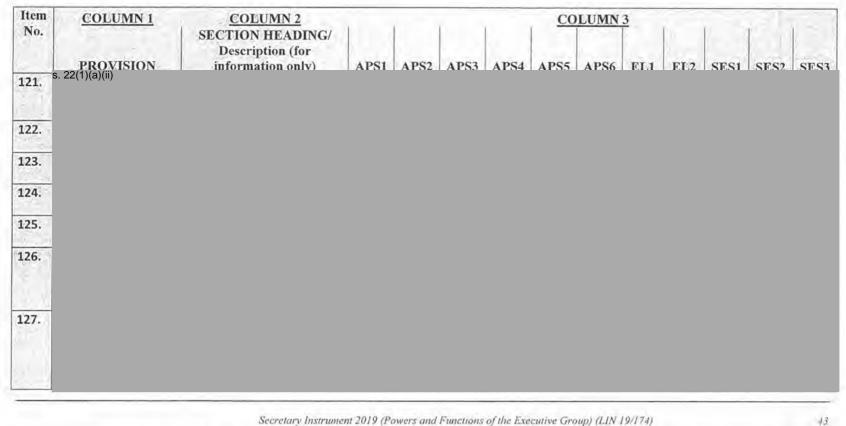
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'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5



Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Item No.	<u>COLUMN 1</u> PROVISION	<u>COLUMN 2</u> SECTION HEADING/ Description (for information only)		COLUMN 3	EL2 SESI SES	2 5763
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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'NOM' indicates a nomination.

'APP' indicates an appointment.

Authorisations and delegations under the Migration Act and the Migration Regulations Schedule 5

Table 2

Item	Column 1	Column 2	Column 3		Column 4
No.	Provision	Description (for information only)	EL1 EL2 SES1	SES2 SES3	Work area
Laber See Sector	s. 22(1)(a)(ii)		i na karan da mana karan ka		
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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'NOM' indicates a nomination.

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Schedule 6 Appointments, approvals, authorisations delegations and nominations under the TIA Act

Schedule 6—Appointments, approvals, authorisations delegations and nominations under the TIA Act

For Part 8 of the instrument.

Item No.	COLUMN 1 PROVISION	<u>COLUMN 2</u> SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4		COLUN APS6	<u>1N 3</u> EL1	EL2	SES1	SES2	SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Item No.	COLUMN 1	COLUMN 2			COLUMN 3	
110.	DROVICION	SECTION HEADING/ Description (for				
	PROVISION s. 22(1)(a)(ii)	information only)	APS1 APS2 1	APS3 APS4 APS5	APS6 EL1	EL2 SES1 SES2 SES3
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Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174)

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Schedule 6 Appointments, approvals, authorisations delegations and nominations under the TIA Act

Item	COLUMN 1	COLUMN 2				P.		COLUN	IN 3		4		
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
9.	s. 22(1)(a)(ii)												



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1

Secretary - Delegations and Authorisations Instrument No. 2 of 2018 (Policy Group) (SHA No. 2 of 2018)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

9th April 2018 Dated

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

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Part 1 - I	Prelimin		1
	1	Name	1
	2	Commencement	
	3	Authority	1
	4	Definitions	
	5	References to section or regulation	2
Part 2 - I	Delegatio	ons and Authorisations - Policy Group	3
	6	Migration delegations	3
	7	Migration authorisations	3
Part 3 - I	Revocati	on	4
	9	Revocation of instruments	4
Schedule	e 1 – Delo	egations and Authorisations under the Migration Act and	
	Mig	ration Regulations	5

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Part 1 - Preliminary

1 Name

This instrument is the Secretary – Delegations and Authorisations Instrument No. 2 of 2018 (Policy Group). It may be cited as SHA No. 2 of 2018.

2 Commencement

This instrument commences on 16 April 2018.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Migration Act 1958, and the Migration Regulations 1994.

4 Definitions

- Note: A number of expressions used in this instrument are defined in the relevant legislation, including the following:
 - (a) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
 - (b) *senior authorising officer* is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.

Section 2B and subsection 46(1) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of APS employee and SES employee from the *Public Service Act 1999*.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.
APS 2 means an APS Level 2 classification under the Classification Rules.
APS 3 means an APS Level 3 classification under the Classification Rules.
APS 4 means an APS Level 4 classification under the Classification Rules.
APS 5 means an APS Level 5 classification under the Classification Rules.
APS 6 means an APS Level 6 classification under the Classification Rules.
Classification Rules means the Public Service Classification Rules 2000.
EL1 means an Executive Level 1 classification under the Classification Rules.
EL2 means an Executive Level 2 classification under the Classification Rules.

Migration Regulations means the Migration Regulations 1994.

Policy Group means the Policy Group in the Department of Home Affairs

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

The Department means the Department of Home Affairs.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

Part 2 – Delegations and Authorisations - Policy Group

6 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision of the regulations specified in an item in column 1 of the table in Schedule 2 to this instrument are delegated to officers from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification level identified by "X" in column 3 of the table for that item.

7 Migration authorisations

- Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, persons from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification level identified by "SAO" in column 3 for an item in the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Policy Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AK of the Migration Act.

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Part 3 - Revocation

8 Revocation of instruments

- (1) The instruments listed in subsection 8(2) are revoked insofar as the instruments:
 - a) delegate powers or functions to persons from time to time holding, occupying or performing the duties of an onshore position, on commencement of this instrument, in Policy Group; or
 - b) authorise persons from time to time holding, occupying or performing the duties of an onshore position, on commencement of this instrument, in Policy Group to be; to exercise the powers of; or perform the functions of; an authorised officer
 - c) authorise persons from time to time holding, occupying or performing the duties of an onshore position, on commencement of this instrument, in Policy Group to be; to exercise the powers of; or perform the functions of; a senior authorising officer.
- (1) For the purpose of subsection 8(1), the following instruments are listed:
 - a. Instrument of Delegation 2015 (DEL 15/070) signed on 25 June 2015;
 - b. Instrument of Authorisation 2015 (DEL 15/079) signed 25 June 2015;
 - c. Instrument of Delegation and Authorisation 2015 (GIDAS 11) signed on 30 June 2015;
 - d. Instrument of Delegation and Authorisation 2015 (GIDAS 10) signed on 30 June 2015;
 - e. Instrument of Delegation and Authorisation 2017/037 (DEL 17/037) signed on 24 May 2017;
 - f. *Migration (Secretary)(Infringement Notices) Authorisation 2017* (DEL 17/090) signed on 19 December 2017;
 - g. *Migration (Secretary) (Condition 8547) Delegation 2017* (DEL 17/110) signed on 22 December 2017.

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Schedule 1 – Delegations and Authorisations for Migration Act and Migration Regulations

		Sum tions											
Item	COLUMN 1	<u>COLUMN 2</u>					COL	<u>UMN 3</u>					
No.		SECTION											
		HEADING/Description (for											
	PROVISION	information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Secretary - Delegations and Authorisations Instrument No. 2 of 2018 (Policy Group) (SHA No. 2 of 2018)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in Column 3:

'X' means the power indicated above is delegated.

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

'SAO' means the person is a senior authorising officer for the power indicated

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Column 3:

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in Column 3:

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103. s. 22(1)(a)(ii) Migrati 104. 105. 106. 107. 108. 109. 110. 110. 111.		PROVISION	HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Item	COLUMN 1	COLUMN 2					COL	<u>UMN 3</u>					
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Item No.	PROVISION	<u>COLUMN 2</u> SECTION HEADING/Description (for information only)	APS1 A	PS2 APS3 A	COL APS4 APS5	UMN 3 APS6 EL1	EL2 SES1	SES2	SES3
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LIN 19/013



1

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 2019 Michael Pezzullo Secretary of the Department of Home Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019.
- (2) This instrument may be cited as LIN 19/013.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, Australian Border Force Act 2015, Australian Radiation Protection and Nuclear Safety Regulations 2018, AusCheck Act 2007, Aviation Transport Security Act 2004, Crimes Act 1914, Maritime Transport and Offshore Facilities Security Act 2003, Migration Act 1958, Migration Regulations 1994 and Telecommunications (Interception and Access) Act 1979.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in the relevant legislation, including the following:
 - (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations for the purpose of that Act and Regulations;
 - (b) *authorised officer* is defined in subsection 5(1) of the TIA Act for the purpose of that Act;
 - (c) *senior authorising officer* is defined in subsection 261AE(8) of the Migration Act for the purpose of that section.
 - (d) *senior authorising officer* is defined in subsection 261AK(10) of the Migration Act for the purpose of that section.
- Note 2: Section 2B and subsection 46(1) of the Acts Interpretation Act incorporate into this instrument the definitions of *APS employee* and *SES employee* from the *Public Service Act 1999*.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

AusCheck Act means the AusCheck Act 2007.

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019 Released by Department of Home Affairs under the Freedom of Information Act 1982

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Section 4

AusCheck Regulations means the AusCheck Regulations 2017. APS1 means an APS Level 1 classification under the Classification Rules. APS2 means an APS Level 2 classification under the Classification Rules. APS3 means an APS Level 3 classification under the Classification Rules. APS4 means an APS Level 4 classification under the Classification Rules. APS5 means an APS Level 5 classification under the Classification Rules. APS6 means an APS Level 6 classification under the Classification Rules. **ARPNS Regulations** means the Australian Radiation Protection and Nuclear Safety Regulations 2018. ATS Act means the Aviation Transport Security Act 2004. ATS Regulations means the Aviation Transport Security Regulations 2005. certifying officer has the same meaning as in the TIA Act. Classification Rules means the Public Service Classification Rules 2000. Crimes Act means the Crimes Act 1914. Corporate and Enabling Group means the Corporate and Enabling Group in the Department of Home Affairs. Department means the Department of Home Affairs. EL1 means an Executive Level 1 classification under the Classification Rules. *EL2* means an Executive Level 2 classification under the Classification Rules. *Immigration and Border Protection worker* has the same meaning as in the Australian Border Force Act 2015. Intelligence Division means the Intelligence Division in the Department. Migration Act means the Migration Act 1958. Migration Regulations means the Migration Regulations 1994. MTOFS Act means the Maritime Transport and Offshore Facilities Security Act 2003. Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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MTOFS Regulations means the *Maritime Transport and Offshore Facilities* Security Regulations 2003.

Policy Group means the Policy Group in the Department of Home Affairs.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

work area means an organisational group or subgroup of the Department.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules to this instrument is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules to this instrument is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

3

Part 2 AusCheck Regulations

Section 6

Part 2—AusCheck Regulations

6 Delegations

Under section 12 of the AusCheck Act, the powers and functions in the provisions of the AusCheck Regulations, specified in an item in column 1 of the table in Schedule 1, are delegated to a person who is:

- (a) a SES employee or acting SES employee; or
- (b) an APS employee who holds, or is acting in, a position or equivalent position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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Part 3—ARPNS Regulations

7 Authorisations

Under paragraph 45(b) of the ARPNS Regulations, a person from time to time holding, occupying, or performing the duties of a position in the Intelligence Division at the classification levels of SES1 or SES2, is authorised to make an application for a licence under section 34 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

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Part 4 ATS Regulations

Section 8

Part 4—ATS Regulations

8 Delegations

Under section 127 of the ATS Act, the powers and functions in the provisions of the ATS Regulations, specified in an item in column 1 of the table in Schedule 2, are delegated to a person who is:

- (a) a SES employee or acting SES employee; or
- (b) an APS employee, from time to time holding, occupying or performing the duties of a position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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Part 5—Crimes Act

9 Delegations

Under subsection 15LH(2) of the Crimes Act, the powers and functions in the provisions specified in an item in column 1 of the table in Schedule 3 are delegated to an SES employee from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification level identified by "X" in column 3 of the table for that item.

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Section 10

Part 6—MTOFS Regulations

10 Delegations

Under section 202 of the MTOFS Act, the powers and functions in the provisions of the MTOFS Regulations, specified in an item in column 1 of the table in Schedule 4, are delegated to a person who is:

- (a) a SES employee or acting SES employee; or
- (b) an APS employee, from time to time holding, occupying or performing the duties of a position;

in the Intelligence Division at the classification level identified by "X" in column 3 of the table for that item.

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Part 7—Migration Act and Migration Regulations

11 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provisions of the Migration Act, specified in an item in column 1 of Table 1 in Schedule 5, are delegated to a person from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision of the Migration Regulations, specified in an item in column 1 of Table 1 in Schedule 5, are delegated to an officer from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification level identified by "X" in column 3 of the table for that item.

12 Restricted Migration delegations

Under subsection 496(2) of the Migration Act, the powers and functions in the provision specified in item 1 in column 1 of Table 2 in Schedule 5 are delegated to a person who from time to time holds, occupies, or performs the duties of a position specified in that table:

- (a) at a classification level identified by "X" in a row in column 3; and
- (b) in the work area specified in that row in column 4;

for that item.

13 Migration authorisations

- (1) Under the definition of *authorised officer* in subsection 5(1) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification level identified by "AO" in column 3 of an item of Table 1 in Schedule 5, is authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of *authorised officer* in regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification level identified by "AO" in column 3 of an item of Table 1 in Schedule 5, is authorised for the purposes of the provision specified in column 1 of the table for that item.

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019



Section 10

- (3) Under the definition of *senior authorising officer* in subsection 261AE(8) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification identified by "SAO" in column 3 for an item of Table 1 in Schedule 5, is authorised to perform the functions of a *senior authorising officer* under section 261AE of the Migration Act.
- (4) Under the definition of *senior authorising officer* in subsection 261AK(10) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Policy Group or Corporate and Enabling Group at the classification identified by "SAO" in column 3 for an item of Table 1 in Schedule 5, is authorised to perform the functions of a *senior authorising officer* under section 261AK of the Migration Act.

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Part 8—TIA Act

14 Nominations

Under subsection 110(3) of the TIA Act, a person in one of the positions in the Intelligence Division at the classification level identified by "NOM" in column 3 of item 3 in the table in Schedule 6, is nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

15 Authorisations

- Under subsection 5AB(1) of the TIA Act, a position in the Border Intelligence Fusion Centre in the Intelligence Division at the classification level of APS6, is authorised for the purposes of subparagraph (b)(iii) of the definition of *authorised officer* in subsection 5(1) of the TIA Act.
- (2) Under subsection 5AB(1) of the TIA Act, a person in one of the positions in Policy Group or Corporate and Enabling Group at the classification level identified by "AO" in column 3 for item 1 in the table in Schedule 6, is authorised for the purposes of subparagraph (b)(iii) of the definition of *authorised officer* under subsection 5(1) of the TIA Act.
- (3) Under subsection 5AC(10) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "CTO" in column 3 for item 2 in the table in Schedule 6, is authorised to be *certifying officer*.

- (4) Under subsection 111(3) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "AP" in column 3 for item 4 in the table in Schedule 6, is authorised for the purposes of subsection 111(2) of the TIA Act.
- (5) Under subsection 135(2) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Border Intelligence Fusion Centre in the Intelligence Division, at the classification level identified by "AO" in column 3 for item 8 in the table in the Schedule 6, is authorised to receive information

11

Note: A person nominated under this section is also authorised under subsection 15(4) of this instrument to be "authorised person" for the purpose of subsection 111(2) of the TIA Act.

Note: Under subsection 16(2) of this instrument, a person authorised under subsection 15(3) is also delegated the powers and functions under subsection 122(2) of the TIA Act.

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

Part 8 TIA Act

Section 16

obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

(6) Under subsection 135(2) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "AO" in column 3 for item 9 in the table in the Schedule 6, is authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

16 Delegations

- (1) Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding, occupying or performing the duties of a position in the Intelligence Division, at the classification level identified by "X" in column 3 of item 5 of the table in the Schedule 6.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to a person who is authorised to be *certifying officers* under subsection 15(3).

17 Approvals

Under subsection 127(2) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "APR" in column 3 for item 6 in the table in Schedule 6, is approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

18 Appointments

Under subsection 127(3) of the TIA Act, a person referred to in paragraph (a) of the definition of *Immigration and Border Protection worker* from time to time holding or occupying a position in the Intelligence Division, at the classification level identified by "APP" in column 3 for item 7 in the table in Schedule 6, is appointed to be an approving officer for the purposes of subsection 127(2) of the TIA Act.

12

Part 9—Revocation

19 Revocation

Under my power in subsection 33(3) of the Acts Interpretation Act, the Secretary Instrument 2019 (Powers and Functions of the Executive Group) (LIN 19/174) signed 26 April, 2019 is revoked.

13

Document 2

Schedule 1 Delegations under the AusCheck Regulations

Schedule 1—Delegations under the AusCheck Regulations

Item No.	COLUMN 1	COLUMN 2 SECTION HEADING/	COLUMN 3										
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

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Delegations under the AusCheck Regulations Schedule 1

Item	<u>COLUMN 1</u>	COLUMN 2	<u>COLUMN 3</u>										
No.	DEOLAGION	SECTION HEADING/ Description (for information	A DC1	ADCO	A DC2	ADCA	ADE	ADEC	FI 1	EI 3	CEC1	CECA	OF C2
	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/	<u>COLUMN 3</u>										
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Delegations under the AusCheck Regulations Schedule 1

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for information					<u>C0</u>	LUMN	<u>3</u>				
	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 1 Delegations under the AusCheck Regulations

Item	<u>COLUMN 1</u>	COLUMN 2			1	1	<u>C0</u>	LUMN	<u>3</u>	1	F		
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/					<u>C0</u>	LUMN	3				
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item	COLUMN 1	COLUMN 2					<u>C0</u>	LUMN	<u>3</u>				No.
No.		SECTION HEADING/ Description (for information											
	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u> PROVISION	COLUMN 2 SECTION HEADING/ Description (for information	APS1	ADS2	A D S 3	ADS/	<u>C0</u> APS5	LUMN	EL2	SES1	SES2	SES3
s	. 22(1)(a)(ii)	only)		AI 52	AI 55	AI 54	AI 55	AI 50		SESI	5652	51255
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 1 Delegations under the AusCheck Regulations

tem	COLUMN 1	COLUMN 2					<u>CO</u>	LUMN	<u>3</u>				
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	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item	<u>COLUMN 1</u>	<u>COLUMN 2</u>					<u>C0</u>	LUMN	3		1		
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	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Document 2

Schedule 2—Delegations under the ATS Regulations

For Part 4 of the instrument.

Item	COLUMN 1	COLUMN 2					<u><u>C</u>0</u>	LUMN	<u>3</u>				
No.		SECTION HEADING/											
		Description (for information											
	PROVISION	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 3—Delegations under the Crimes Act

For Part 5 of the instrument.

Item	<u>COLUMN 1</u>	COLUMN 2	1			1	<u><u>CO</u></u>	LUMN	3				
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s Act 1914												
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 3 Delegations under the Crimes Act

Item	<u>COLUMN 1</u>	COLUMN 2					<u>C0</u>	LUMN	<u>3</u>				
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)						114 80	111 00			DEDI	OLC2	DED5
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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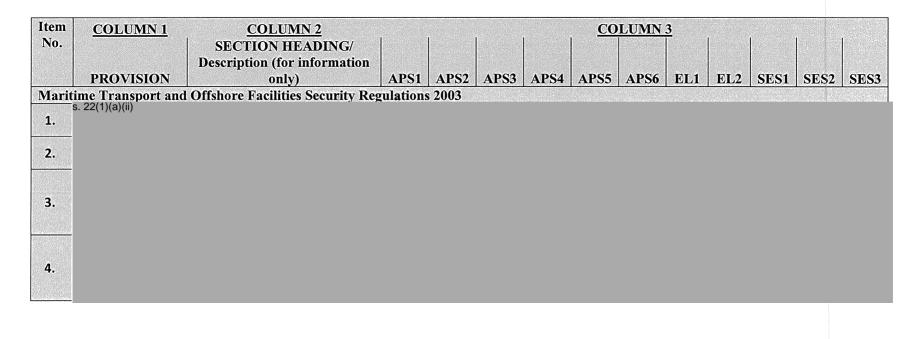
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Schedule 4—Delegations under the MTOFS Regulations

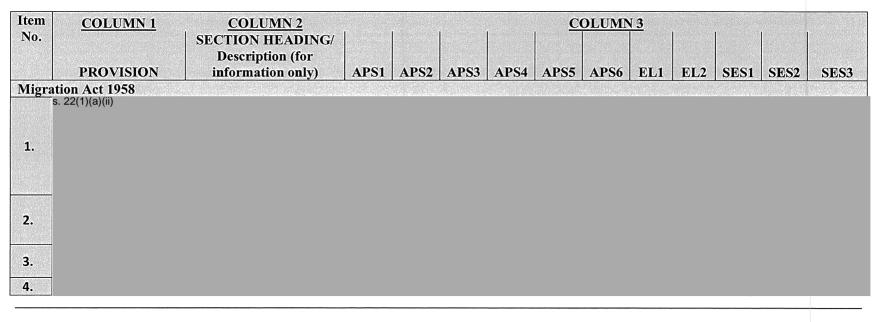


Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 5—Authorisations and delegations under the Migration Act and the Migration Regulations

Table 1



28

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/					<u>C(</u>	DLUMN	3				
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for			COLUMN	3		
	PROVISION s. 22(1)(a)(ii)		APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2	SES1 SES	2 SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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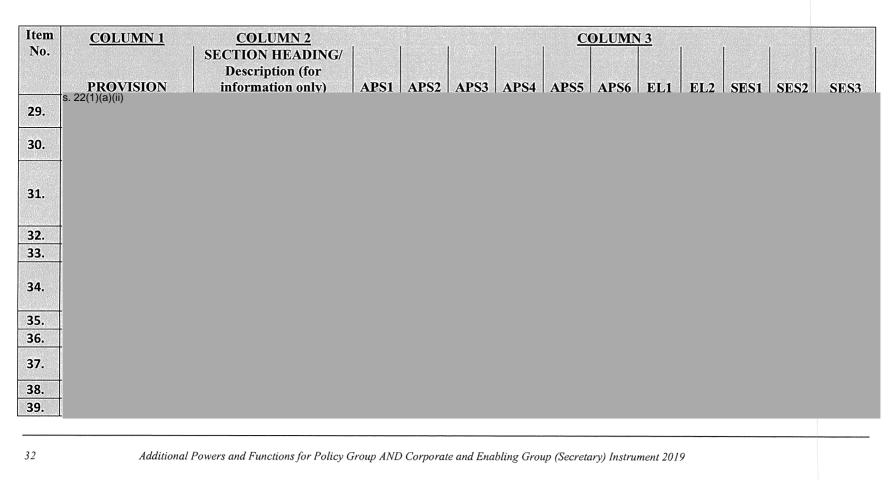
'APR' indicates an approval.

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for					LUMN :					
	PROVISION s. 22(1)(a)(ii)	information only)	APS1 AP	S2 APS3	APS4	APS5	APS6	EL1 F	EL2 S	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



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Item	COLUMN 1	COLUMN 2		COLUM	<u>N 3</u>	
No.		SECTION HEADING/				A CARL CONTRACT
	PROVISION	Description (for information only)	APS1 APS2 APS3	APS4 APS5 APS6	EL1 EL2 SES	SI SES2 SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Document 2

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for						
48. ^{S.}	PROVISION 22(1)(a)(ii)	information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2	SES1 SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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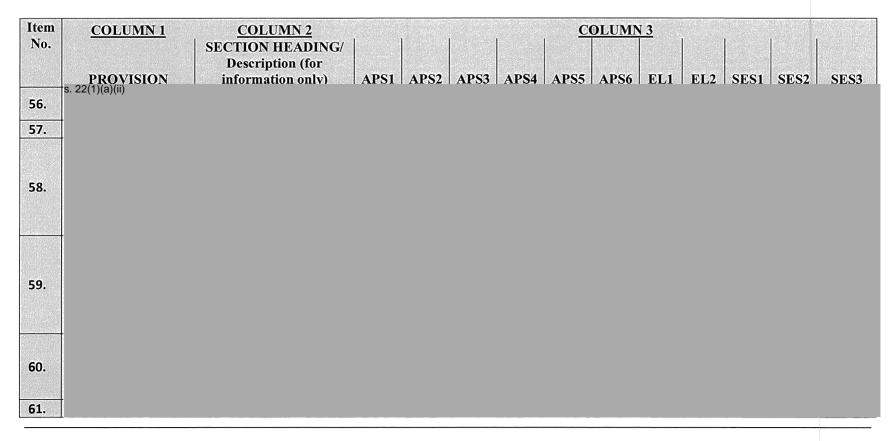
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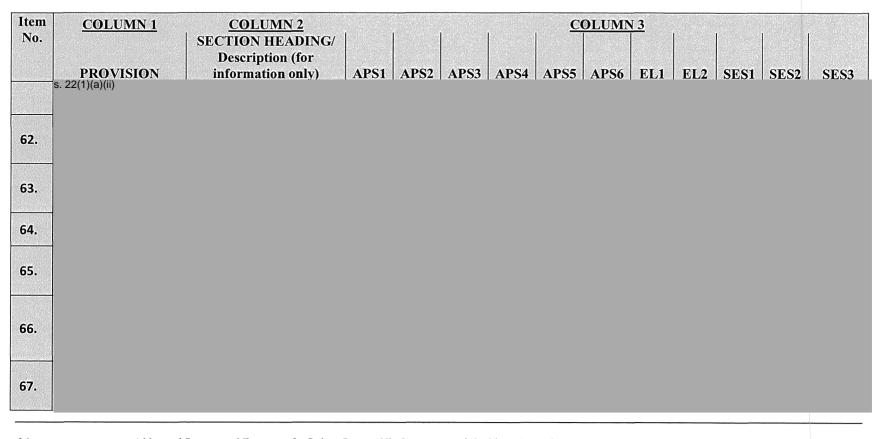
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u> PROVISION	<u>COLUMN 2</u> SECTION HEADING/ Description (for information only)	APS1 APS	2 APS3	APS4 APS5	COLUMN 3 APS6 EL1	EL2	SES1 SES	52 SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

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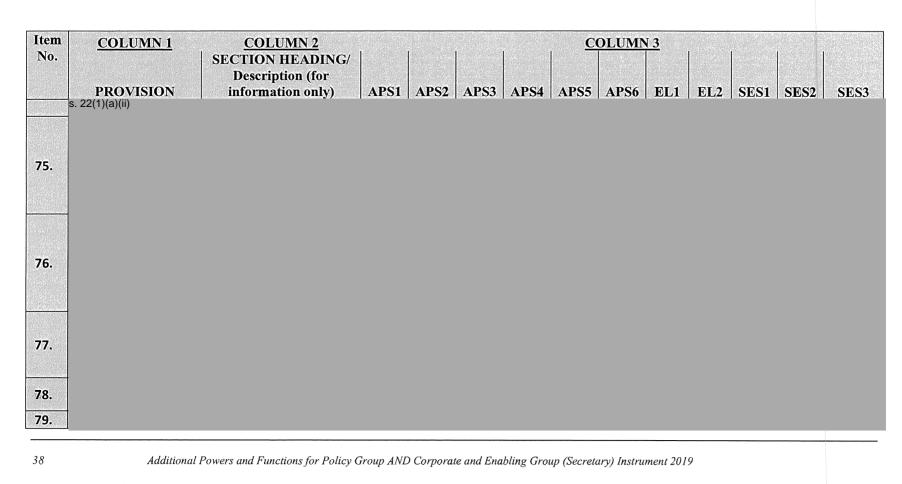
'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

37

Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations



For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment. 'APR' indicates an approval.

Document 2

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for					<u>C(</u>	<u>OLUMN</u>	13				
s.	PROVISION 22(1)(a)(ii)	information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
80.													
81.													
82.													
83.													
84.													
85.													
86.													

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

- For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
- 'X' means the power indicated above is delegated.
- 'AO' indicates that the person is an authorised officer for the power indicated.
- 'SAO' indicates that the person is a senior authorising officer for the power indicated.
- 'AP' indicates an authorised person.
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- 'NOM' indicates a nomination.
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Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Item	COLUMN 1	COLUMN 2			COLUM	<u>N 3</u>		
No.		SECTION HEADING/						
	PROVISION	Description (for information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2	SES1 SES2	SES3
s. 2	22(1)(a)(ii)			1	11200112200			J DLDD
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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Item	<u>COLUMN 1</u>	<u>COLUMN 2</u>			<u>COLUMN 3</u>			
No.		SECTION HEADING/ Description (for						
	PROVISION 22(1)(a)(ii)	information only)	APS1 APS2	APS3 APS4	APS5 APS6 I	EL1 EL2 S	SES1 SES2	SES3
96.	. 22(T)(d)(II)							
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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'SAO' indicates that the person is a senior authorising officer for the power indicated.

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'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

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Schedule 5 Authorisations and delegations under the Migration Act and the Migration Regulations

Table 2

Item <u>COLUMN 1</u>	COLUMN 2			COLUM	<u>N 3</u>		COLUMN 4
No. PROVISION	SECTION HEADING/ Description (for information only)	EL1	EL2	SES 1	SES 2	SES 3	Work Area
s. 22(1)(a)(ii)	() () () () () () () () () ()						WOIX AICa
101.							

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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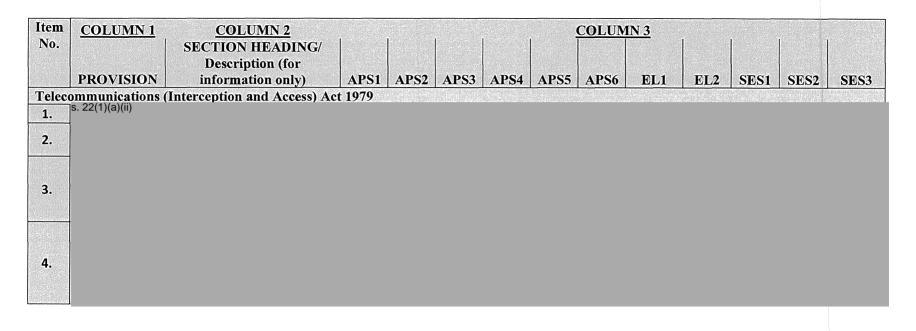
'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

Schedule 6—Appointments, approvals, authorisations delegations and nominations under the TIA Act



Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

NOM' indicates a nomination.

'APP' indicates an appointment. 'APR' indicates an approval.

Document 2

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Schedule 6 Appointments, approvals, authorisations delegations and nominations under the TIA Act

Item	COLUMN 1	COLUMN 2						COLUM	IN 3				
No.		SECTION HEADING/ Description (for											
	PROVISION s. 22(1)(a)(ii)	information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment. 'APR' indicates an approval.

Item	COLUMN 1	COLUMN 2						COLUM	<u>IN 3</u>				
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)	<i>"</i>											
9.													

Additional Powers and Functions for Policy Group AND Corporate and Enabling Group (Secretary) Instrument 2019

- For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
- 'X' means the power indicated above is delegated.
- 'AO' indicates that the person is an authorised officer for the power indicated.
- 'SAO' indicates that the person is a senior authorising officer for the power indicated.
- 'AP' indicates an authorised person.
- 'CTO' indicates a certifying officer.
- 'NOM' indicates a nomination.
- 'APP' indicates an appointment.
- 'APR' indicates an approval.

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1

Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018)

I, MICHAEL PEZZULLO, Secretary of the Department of Home Affairs, make the following instrument of delegation and authorisation.

Dated 9th April 2018

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

Contents

Part 1 – P	relimin	ary	1
	1	Name	1
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	3	Authority	1
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Part 4 – A	uthoris 9	sations for Executive Group - the TIA Act TIA Act authorisations	5 5
Part 5 – R	evocati	on	6
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Part 1 – Preliminary

1 Name

This instrument is the Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group). It may be cited as SHA No. 1 of 2018.

2 Commencement

This instrument commences on 16 April 2018.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Crimes Act 1914, the Migration Act 1958, the Migration Regulations 1994 and the Telecommunications (Interception and Access) Act 1979.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in the relevant legislation, including the following:
 - a) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
 - b) *authorised officer* is also defined in subsection 5(1) of the TIA Act;
 - c) *senior authorising officer* is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act 1901 incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.

APS 2 means an APS Level 2 classification under the Classification Rules.

APS 3 means an APS Level 3 classification under the Classification Rules.

APS 4 means an APS Level 4 classification under the Classification Rules.

APS 5 means an APS Level 5 classification under the Classification Rules.

APS 6 means an APS Level 6 classification under the Classification Rules.

Classification Rules means the Public Service Classification Rules 2000.

Crimes Act means the Crimes Act 1914.

Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) Released by Department of Home Affairs under the Freedom of Information Act 1982

1

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Executive Group means the Executive Group in the Department of Home Affairs.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

The Department means the Department of Home Affairs.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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2

Part 2 – Delegations for Executive Group – the Crimes Act

6 Crimes Act delegations

(1) Under subsection 15LH(2) of the Crimes Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to the SES employees from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification level identified by "X" in column 3 of the table for that item.

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3

Part 3 – Delegations and Authorisations for Executive Group – the Migration Act and Migration Regulations

7 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provision specified in an item in column 1 of the table in Schedule 2 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in column 1 of the table in Schedule 2 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification level identified by "X" in column 3 of the table for that item.

8 Migration authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 2 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 2 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 2 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in Executive Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 2 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AK of the Migration Act.

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Part 4 – Authorisations for Executive Group - the TIA Act

9 TIA Act authorisations

Under subsection 5AB(1) of the TIA Act, the positions in Executive Group, at the classification level identified by "AO" in column 3 for item 1 in the table in Schedule 3 to this instrument, are authorised for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" under subsection 5(1) of the TIA Act.

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5

Part 5 – Revocation

10 Revocation of instruments

- (1) Acting under my powers specified in Part 2, Part 3 and Part 4 of this instrument and subsection 33(3) of the Acts Interpretation Act, revoke the instruments listed in subsection 11(2) insofar as the instruments:
 - a) delegate powers and functions to persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in Executive Group; or
 - b) authorise persons from time to time holding, occupying or performing the duties of a position in Executive Group to be; to exercise the powers of; or perform the functions of; an authorised officer; or
 - c) authorise persons from time to time holding, occupying or performing the duties of a position in Executive Group to be; to exercise the powers of; or perform the functions of; a senior authorising officer; or
 - authorise positions in Executive Group for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" under the TIA Act.
- (2) For the purpose of subsection 11(1) the following instruments are listed:
 - a) Instrument of Authorisation 2015 (DEL 15/122);
 - b) Instrument of Authorisation 2016 (Telecommunications (Interception and Access) Act 1979) (DEL 16/049);
 - c) Instrument of Delegation and Authorisation 2017/037 (DEL 17/037); and
 - d) Migration (Secretary) (Infringement Notices) Authorisation 2017 (DEL 17/090).

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6

Schedule 1 – Delegations under the Crimes Act

	Deneuu	te i Delegations a										
Item	COLUMN 1	COLUMN 2				C	OLUMN	13				
No.		SECTION HEADING/										
	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crime	es Act 1914											
1.	s. 22(1)(a)(ii)											
2.												
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Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 7

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
11.	−s. 22(1)(a)(ii)												
12.													

Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 8

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Schedule 2 – Delegations under the Migration Act and Migration Regulations

		Ingula											
	Item	COLUMN 1	COLUMN 2				С	OLUMN	3				
	No.		SECTION HEADING/						_				
		PROVISION	Description (for information only)	APS1 APS	2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Migra	tion Act 1958 s. 22(1)(a)(ii)											
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Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 9

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Item	COLUMN 1	COLUMN 2				<u>C(</u>	DLUMN	3				
No.		SECTION HEADING/										
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ll)											
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Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 10

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1	COLUMN 2				<u>COLUM</u>	<u>N 3</u>				
No.		SECTION HEADING/									
	s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4	APS5 APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(II)										
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Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 11

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
37.	s. 22(1)(a)(II)												
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Item	COLUMN 1	COLUMN 2			<u>C</u>	<u>OLUMN 3</u>				
No.		SECTION HEADING/								
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3 A	APS4 APS5	APS6 El	L1 EL2	SES1	SES2	SES3
48.	s. 22(1)(a)(ii)									
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49.	_									
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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Item	COLUMN 1	COLUMN 2				COLUMN	<u>3</u>				
No.		SECTION HEADING/									
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4 APS	S5 APS6	EL1	EL2	SES1	SES2	SES3
61.	s. 22(1)(a)(ll)										
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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'AO' indicates the person is an authorised officer for the power indicated.

								-
Item	COLUMN 1	COLUMN 2			COLUMN	3		
No.		SECTION HEADING/				<u> </u>	1	
	PROVISION	Description (for information onl	v) APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2	SES1 S	SES2 SES3
71.	PROVISION s. 22(1)(a)(ii)							
72.								
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1						C		1				
No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/						<u>OLUMN</u>	<u> </u>				
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
81.													
82.													
83.		Material to be provided to											
	s473CB	Immigration Assessment Authority									X	X	X
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	Secretary – Deleg	gations and Authorisations Instrument No. 1	of 2018 (Ex	ecutive Gi	roup) (SE	1A No. 1 c	of 2018) 16						Department of Home Aff eedom of Information Act
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.

Item	COLUMN 1	COLUMN 2				C	<u>OLUMN</u>	3				
No.		SECTION HEADING/			1			_				
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 AP	S2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1	<u>COLUMN 2</u>				<u>C</u>	OLUMN	3				
No.		SECTION HEADING/										
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
1040	s. 22(1)(a)(II)											
103.												
Migr												
104.												
105.												
100												
106.												
107.												
107.												
108.												
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109.												
110.												
111.												s 982
												air 19
112.												Act
												Home Affairs ation Act 1982
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1	COLUMN 2				CO	DLUMN	3				
No.		SECTION HEADING/			1			_	1			
	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
113.	PROVISION s. 22(1)(a)(ii)					111.00	111.00			8281		
114.												
114.												
115.												
116.												
117.												
118.												
119.												
120.												
121.												
122.												
123.												
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Item	COLUMN 1	COLUMN 2	COLUMN 3										
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
124.	s. 22(1)(a)(ii)												

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.

Schedule 3 – Authorisation under the TIA Act

Item	COLUMN 1	COLUMN 2	COLUMN 3										
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Telecommunications (Interception and Access) Act 1979												
125.	s. 22(1)(a)(ii)												

Secretary – Delegations and Authorisations Instrument No. 1 of 2018 (Executive Group) (SHA No. 1 of 2018) 21

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates the person is an authorised officer for the power indicated.



1

Joint Agency Task Force (Secretary) Instrument 2019

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 2019 Jue Ville Michael Pezzullo Secretary of the Department of Home Affairs

2

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3	Authority	1
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7	ABF Act authorisations	4
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Part 1 - Preliminary

1 Name

- (1) This instrument is the Joint Agency Task Force (Secretary) Instrument 2019.
- (2) It may be cited as LIN 19/023

2 Commencement.

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Australian Border Force Act 2015, the Crimes Act 1914, the Freedom of Information Act 1982, the Freedom of Information (Charges) Regulations 1982, the Migration Act 1958, the Migration Agents Regulations 1998, the Migration Regulations 1994 and the Telecommunications (Interception and Access) Act 1979.

4 Definitions

Note:

A number of expressions used in this instrument are defined in the relevant legislation, including the following:

- (b) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
- (c) *authorised officer* is also defined in subsection 5(1) of the TIA Act;
- (d) certifying officer is defined in subsection 5(1) of the TIA Act;
- (e) *Immigration and Border Protection worker* is defined in subsection 4(1) of the ABF Act;
- (f) senior authorised officer is defined in subsection 261AE(8) of the Migration Act.

Note: Section 2B and subsection 46(1) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of *APS employee* and *SES employee* from the *Public Service Act 1999*.

In this instrument:

ABF Act means the Australian Border Force Act 2015.

AIA means the Acts Interpretation Act 1901.

APS 1 means an APS employee who is classified as an Australian Public Service Level 1 employee under the Classification Rules.

Joint Agency Task Force (Secretary) Instrument 2019

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APS 2 means an APS employee who is classified as an Australian Public Service Level 2 employee under the Classification Rules.

APS 3 means an APS employee who is classified as an Australian Public Service Level 3 employee under the Classification Rules.

APS 4 means an APS employee who is classified as an Australian Public Service Level 4 employee under the Classification Rules.

APS 5 means an APS employee who is classified as an Australian Public Service Level 5 employee under the Classification Rules.

APS 6 means an APS employee who is classified as an Australian Public Service Level 6 employee under the Classification Rules.

Classification Rules means the rules made under section 23 of the Public Service Act 1999.

Crimes Act means the Crimes Act 1914.

Department means the Department of Home Affairs.

EL 1 means an APS employee who is classified as an Executive Level 1 employee under the Classification Rules.

EL 2 means an APS employee who is classified as an Executive Level 2 employee under the Classification Rules.

FOI Act means the Freedom of Information Act 1982.

FOI Charges Regulations means the Freedom of Information (Charges) Regulations 1982.

Immigration and Border Protection worker has the same meaning as in the ABF Act.

JATF means the Operation Sovereign Borders Joint Agency Taskforce in the Policy Group of the Department

Migration Act means the Migration Act 1958.

Migration Agents Regulations means the Migration Agents Regulations 1998.

Migration Regulations means the Migration Regulations 1994.

SES 1 means an APS employee who is classified as a Senior Executive Band 1 employee under the Classification Rules.

SES 2 means an APS employee who is classified as a Senior Executive Band 2 employee under the Classification Rules.

Joint Agency Task Force (Secretary) Instrument 2019

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SES 3 means an APS employee who is classified as a Senior Executive Band 3 employee under the Classification Rules.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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Part 2 - Delegations and Authorisations - the ABF Act

6 ABF Act delegations

Under section 53 of the ABF Act, the powers and functions specified in an item in column 1 of the table in Schedule 1 are delegated to Immigration and Border Protection workers from time to time holding, occupying, or performing the duties of a position in the JATF at the classification level identified by "X" in items 4 and 5 in column 3 of the table.

7 ABF Act authorisations

Under subsection 4(2) of the ABF Act, an Immigration and Border Protection worker from time to time holding, occupying or performing the duties of a position in the JATF at the classification level identified by "AP" in column 3 for an item in the table in Schedule 1, is authorised to exercise the powers or perform the functions of an "authorised person" in items 1, 2 and 3 in column 1 of the table.

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Joint Agency Task Force (Secretary) Instrument 2019

Part 3 - Delegations and Nominations - the Crimes Act

8 Crimes Act delegations

- (1) Under subsection 15LH(2) of the Crimes Act, the powers and functions specified in an item in column 1 of the table in Schedule 2 are delegated to an Immigration and Border Protection worker from time to time holding, occupying or performing the duties of a position in the JATF at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subsection 15MX(2) of the Crimes Act, the function specified in subsection 15ME of the Crimes Act is delegated to a person from time to time holding, occupying or performing the duties of an SES Band 3 position in the JATF.

9 Crimes Act nominations

Under subsection 15J(2) of the Crimes Act, an Immigration and Border Protection workers from time to time holding, occupying or performing duties of a position in the JATF at the classification level identified by "NOM" in column 3 of item 1 in the table in Schedule 2, is nominated for the purposes of section 15J of the Crimes Act.

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5

Joint Agency Task Force (Secretary) Instrument 2019

Part 4 - Delegations, Authorisations and Appointments -Migration legislation

10 Migration Act delegations

- (1) Under subsection 496(2) of the Migration Act, the powers specified in an item in column 1 of the table in Schedule 3 are delegated to a person from time to time holding, occupying, or performing the duties of a position in the JATF at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers specified in an item in column 1 of the table in Schedule 3 are delegated to an officer from time to time holding, occupying, or performing the duties of a position in the JATF at the classification level identified by "X" in column 3 of the table for that item.

11 Migration Act authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the JATF at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3, is authorised to exercise the powers of an "authorised officer" specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the JATF at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3, is authorised to exercise the powers or perform the functions of an "authorised officer" specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorised officer" in subsection 261AE(8) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the JATF at the classification identified by "AO" in column 3 for item 27 of the table in Schedule 3, is authorised to exercise the powers or perform the functions of a "senior authorised officer" for the purposes of subsection 261AE(3) and subsection 261AE(4) of the Migration Act.

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Joint Agency Task Force (Secretary) Instrument 2019

15

Part 5 - Nominations, Authorisations, Delegations, Approvals and Appointments - the TIA Act

12 TIA Act nominations - persons that may apply for stored communications warrants on behalf of the Department

Under subsection 110(3) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "NOM" in column 3 for item 5 in the table in Schedule 4, is nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

Note each person nominated under this section are also authorised under subsection 14(3) of this instrument to be an authorised person for the purpose of subsection 111(2) of the TIA Act.

13 TIA Act authorisations

- (1) Under subsection 5AB(1) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "AO" in column 3 for item 1 in the table in Schedule 4, is authorised to be "authorised officers" for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" under subsection 5(1) of the TIA Act.
- (2) Under subsection 5AC(10) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "CEO" in column 3 for item 2 in the table in Schedule 4, is authorised to be "certifying officers".
 - *Note* each person authorised under subsection 14(2) of this instrument is also delegated under subsection 15(2) the powers and functions under subsection 122(2) of the TIA Act.
- (3) Under subsection 111(3) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "AP" in column 3 for item 6 in the table in Schedule 4, is authorised for the purposes of subsection 111(2) of the TIA Act.
- (4) Under subsection 135(2) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "AO" in column 3 for item 11 in the table in the Schedule 4, is authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

Australian Border Force (Secretary) No. 1 of 2018

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14 TIA Act delegations

- Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding, occupying or performing the duties of a position in the JATF, at the classification level identified by "X" in column 3 of item 7 of the table in the Schedule 4.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "X" in column 3 of item 8 of the table in the Schedule 4.

15 TIA Act Approvals to exercise authority conferred by stored communication warrants

Under subsection 127(2) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF, at the classification level identified by "APR" in column 3 for item 9 in the table in Schedule 4, is approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

16 TIA Act Appointments to approve the exercise of authority conferred by stored communication warrants

Under subsection 127(3) of the TIA Act, a person referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the JATF at the EL 2, SES 1, SES 2 or SES 3 classification level, is appointed to be an approving officer for the purposes of subsection 127(2) of the TIA Act.

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Australian Border Force (Secretary) No. 1 of 2018

Part 6 - Approval Arrangements - the FOI Act

17 FOI Act delegations

Under subsection 23(1) of the FOI Act, approve a person from time to time holding, occupying or performing the duties of a position in the JATF at the classification levels EL 2 or SES 1 - SES 3 to exercise, in accordance with this arrangement, the agency's powers and functions under the FOI Act and to exercise the discretionary powers given to the agency in the FOI Charges Regulations.

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Australian Border Force (Secretary) No. 1 of 2018

Schedule 1 - Delegations and Authorisations under the ABF Act

Item					
No. <u>COLUMN 1</u>	<u>COLUMN 2</u>	COLUMN 3			
PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
Australian Border Force Act 2015 1. 2.					

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an appointment.				
Joint Agency Task Force (Secretary) Instrument 2019				

Schedule 2 - Delegations and Nominations under the Crimes Act

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lo. <u>COLUN</u>	<u>MN 1</u>	COLUMN 2		COLUMN 3			
PROVISIO	DN	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3	
rimes Act 1914 1. s. 22(1)(a)(ii) 2. 3. 4. 5. 5. 7. 6. 7. 6. 7. 6. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7.							
For persons holding, occupying or performing the duties of 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination.		e duties of a position at the level /classification indicated in column 3: l.			13		
'APP' in	ndicates a nomination. idicates an appointment. idicates an approval.	Joint Agency Task Force (Secretary) Instrument 2019					

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Item					
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PROVISIO 12. s. 22(1)(a)(ii) 13.	N Provision	n description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2 SES1 - 3

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For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates an authorisation.

'AP' indicates an authorised person.

'CEO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Joint Agency Task Force (Secretary) Instrument 2019

Schedule 3 – Delegations, Authorisations and Appointments under Migration Act

Item					
No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>	<u>COLU</u>	<u>MN 3</u>
	PROVISION		Provision description (for information only)	APS1 - 4 APS5 - 6	EL1 - 2 SES1 - 3
Migra	ation Act 1958]s. 22(1)(a)(ii)				
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	For persons holding, 'X' means the power	occupying or performing t indicated above is delegated	ne duties of a position at the level /classification indicated in column 3:		into
	'AO' indicates an aut 'AP' indicates an aut	thorisation.			tme
	'CEO' indicates a cer	rtifying officer.			spar
	'NOM' indicates a no 'APP' indicates an ap	ppointment.			by Department of Home
	'APR' indicates an ap	pproval.			Q D
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No. COLUMN 1 COLUMN 2 PROVISION Provision description (for information only) APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3 11. 22(1/a)(i) 1<	Item			
s. 22(1)(a)(a) 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. If or presents holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X means the power indicated above is delegated. 'AO' indicates an authorization. 'AP' indicates a authorization. 'NOW' indicates a anothorization. 'NOW' indicates an authorization. 'NOW' indicates an ampointment.	No.	COLUMN 1	COLUMN 2	COLUMN 3
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment.	11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24.	PROVISION		APS1-4 APS5-6 EL1-2 SES1-3
Joint Agency Task Force (Secretary) Instrument 2019		 'X' means the power indicated abo 'AO' indicates an authorisation. 'AP' indicates an authorised person 'CEO' indicates a certifying office 'NOM' indicates a nomination. 'APP' indicates an appointment. 	n.	Petroperative Affairs

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0.	<u>COLUMN 1</u>		<u>COLUMN 2</u>	<u>COL</u>	<u>UMN 3</u>
6. 7. 8. 9. 0. 11. 2. 3. 44. 5. 6. 7. 8. 9.	PROVISION s. 22(1)(a)(ii)		Provision description (for information only)	APS1-4 APS5-6	
	'X' means the pov 'AO' indicates an 'AP' indicates an 'CEO' indicates a 'NOM' indicates a 'APP' indicates a	wer indicated above authorisation. authorised person. certifying officer. a nomination. n appointment.	erforming the duties of a position at the level /classification indicated in column 3: is delegated.		17
	'APR' indicates as	n approval.			

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0.	COLUMN 1	COLUMN 2	COLUMN 3
s 10. 11. 12. 13. 14. 15. 16. 17. 18. 9. 10. 11. 12. 13. 14. 15. 14. 15. 15. 15. 10. 11. 12. 13. 14. 15. 15. 15. 15. 15. 15. 15. 15	PROVISION . 22(1)(a)(ii)		APS1-4 APS5-6 EL1-2 SES1-3
_	For persons holding, occupying or per 'X' means the power indicated above 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.	forming the duties of a position at the level /classification indicated in column 3: s delegated.	18
		Joint Agency Task Force (Secretary) Instrument 2019	

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).	COLUMN 1	COLUMN 2	<u>COLI</u>	J <u>MN 3</u>
5. 5 7. 3. 9. 3. 9. 3. 1. 3. 1. 3. 1. 5. 5. 7. 5. 7. 3. 1. 5. 7. 5. 7. 5. 9.	PROVISION . 22(1)(a)(ii)	Provision description (for information only)	APS1-4 APS5-6	EL1 - 2 SES1 - 3
_	For persons holding, occupying or perfor 'X' means the power indicated above is d 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.	ming the duties of a position at the level /classification indicated in column 3: lelegated.		19
		Joint Agency Task Force (Secretary) Instrument 2019		

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l o.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	COLUMN 3
71. ^{s.} 72. 73. 74. 75.	PROVISION . 22(1)(a)(ii)	Provision description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
77. 78. s 79.	s473CB . 22(1)(a)(ii)	473CB Material to be provided to Immigration Assessment Authority	X
9. 30. 31. 32.			
D. 1.	For persons holding, occupying or 'X' means the power indicated abu 'AO' indicates an authorisation. 'AP' indicates an authorised perso 'CEO' indicates a certifying office 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.	n.	20

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0.	COLUMN 1	<u>COLUMN 2</u>	<u>COLUMN 3</u>
33. 34. 35. 36. 37. 88. 39. 00. 01. 02. 03. 04.	PROVISION s. 22(1)(a)(ii)	Provision description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
-	 'X' means the power indicated above is c 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 	ming the duties of a position at the level /classification indicated in column 3: delegated.	21
	'APP' indicates an appointment. 'APR' indicates an approval.		

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Item			
No.	COLUMN 1	COLUMN 2	COLUMN 3
95. 96. 97. 98. 99. Migra 100. 101. 102. 103. 104. 105. 106. Migra 107. 108.	PROVISION s. 22(1)(a)(ii)	Provision description (for information only)	APS1-4 APS5-6 EL1-2 SES1-3
	For persons holding, occupying or perfor 'X' means the power indicated above is o 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.	ming the duties of a position at the level /classification indicated in column 3: delegated.	22
		Joint Agency Task Force (Secretary) Instrument 2019	

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o.	COLUMN 1 PROVISION s. 22(1)(a)(ii)	COLUMN 2 Provision description (for information only)	COLUMN 3 APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
119. 120. 121.	For persons holding, occupying or 'X' means the power indicated abo 'AO' indicates an authorisation. 'AP' indicates an authorised person 'CEO' indicates a certifying office 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.	L	23
	ument 5	Joint Agency Task Force (Secretary) Instrument 2019	

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lo. <u>COLUMN 1</u>	COLUMN 2	COLUMN 3
PROVISION 122. s. 22(1)(a)(ii) 123. 124. 125. 126. 127. 128. 129. 130. 131. 132.	Provision description (for information only)	APS1-4 APS5-6 EL1-2 SES1-3
For persons holding, 'X' means the power 'AO' indicates an aut 'AP' indicates an aut 'CEO' indicates a neu 'NOM' indicates a neu 'APP' indicates an ap 'APR' indicates an ap	horised person. rtifying officer. omination. opointment.	24
	Joint Agency Task Force (Secretary) Instrument 2019	

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Item					_
No. <u>COLUMN 1</u>	COLUMN 2		<u>COL</u>	<u>UMN 3</u>	
PROVISION s. 22(1)(a)(ii) 133. 134.	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3

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'X' means the power indicated above is delegated.

'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.

Schedule 4 - Nominations, Authorisations, Delegations, Approvals and Appointments under the **TIA Act**

LIN 19/023

Item					
No.	COLUMN 1	COLUMN 2	<u>C</u>	OLUMN 3	
1. 1	PROVISION	SECTION HEADING/Provision dDescription (for information only)	APS1 - 4 APS5 - 6	EL1 EL2	SES1 - 3
Telec	ommunications (Inte s. 22(1)(a)(ii)	erception and Access) Act 1979			
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-					airs 1982
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	For persons holding, occ 'X' means the power ind	upying or performing the duties of a position at the level /classification indicated in column 3: licated above is delegated.			ent c
	'AO' indicates an author 'AP' indicates an author	ised person.			n of
	'CEO' indicates a certify 'NOM' indicates a nomin	nation.)epa
	'APP' indicates an appoi 'APR' indicates an appro	intment. oval.			by C Free
		Joint Agency Task Force (Secretary) Instrument 2019			Released by Department of Home Affairs under the Freedom of Information Act 198
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For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates an authorisation.

'AP' indicates an authorised person.

'CEO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Joint Agency Task Force (Secretary) Instrument 2019

28

For persons holding, occupying or performing the duties of a position at the level /classification	on indicated in column 3:
'X' means the power indicated above is delegated.	
'AO' indicates an authorisation.	
'AP' indicates an authorised person.	
(CEO) indicates a continuing offician	

'CEO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Joint Agency Task Force (Secretary) Instrument 2019



1

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 9th April 2018

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

Conter	nts

Part 1 - F	Prelimin		1
	1	Name	1
	2	Commencement	
	3	Authority	1
	4	Definitions	1
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i

Part 1 - Preliminary

1 Name

This instrument is the Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) No. 3 of 2018. It may be cited as SHA No. 3 of 2018.

2 Commencement

This instrument commences on 16 April 2018.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Migration Act 1958, and the Migration Regulations 1994.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in enabling legislation, including those listed below:
 - (a) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
 - (b) *senior authorising officer* is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of APS employee and SES employee from the *Public Service Act 1999*.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.

APS 2 means an APS Level 2 classification under the Classification Rules.

APS 3 means an APS Level 3 classification under the Classification Rules.

APS 4 means an APS Level 4 classification under the Classification Rules.

APS 5 means an APS Level 5 classification under the Classification Rules.

APS 6 means an APS Level 6 classification under the Classification Rules.

Classification Rules means the Public Service Classification Rules 2000.

Corporate and Enabling Group means the Corporate and Enabling Group in the Department.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

EL2 means an Executive Level 2 classification under the Classification Rules.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

2

Part 2 - Delegations and Authorisations - Migration legislation

6 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to officers from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification level identified by "X" in column 3 of the table for that item.

7 Migration authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, officers from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification identified by "SAO" in column 3 for an item in the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Corporate and Enabling Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AK of the Migration Act.

Part 3 - Revocation

8 **Revocation of instruments**

(1) The instruments listed in subsection 8(2) are revoked insofar as the instruments:

- (a) delegate powers or functions to persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Corporate and Enabling Group; or
- (b) authorise persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Corporate and Enabling Group to be; to exercise the powers of; or perform the functions of; an authorised officer or a senior authorising officer.
- (2) For the purpose of subsection 8(1), the following instruments are listed:
 - (a) Instrument of Delegation 2015 (DEL 15/070) signed on 15 June 2015;
 - (b) Instrument of Delegation 2015 (DEL 15/076) signed on 15 June 2015;
 - (c) Instrument of Delegation and Authorisation 2015 (ABF 3 (S)) signed on 25 June 2015.
 - (d) Instrument of Revocation and Authorisation 2016 (DEL 16/31) signed on 8 April 2016;
 - (e) Instrument of Delegation and Authorisation 2017/037 (DEL 17/037) signed on 24 May 2017;
 - (f) Migration (Secretary) (Detention Services) Delegation and Authorisation 2017 (ABF 2 (S) Detention Services Division) signed on 30 June 2017;
 - (g) *Migration (Secretary) (Legal Division) Delegation and Authorisation 2017* (GIDAS 15) signed on 30 June 2017;
 - (h) *Migration (Secretary) (Infringement Notices) Authorisation 2017* (DEL 17/090) signed on 19 December 2017; and
 - (i) *Migration (Secretary) (Identification) Authorisation 2017* (DEL 17/086 signed on 19 December 2017;

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Schedule 1 – Delegations and Authorisations under Migration Act and Migration Regulations

Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migrat	t ion Act 1958 s. 22(1)(a)(ii)												
1.	s. 22(1)(a)(II)												
2.													
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	For persons he	olding, occupying or performing the duties of a positior	at the level	/classificatio	on indicated i	n column 3.						5	

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Item	COLUMN 1	COLUMN 2					С	OLUMN	3				
No.		SECTION HEADING/	1		1		_					1	
	PROVISION s. 22(1)(a)(ii)	Description (for information o	nly) APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.	-												
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14.													
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20.													
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'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item	COLUMN 1	COLUMN 2				COL	LUMN 3					
No.		SECTION HEADING/								ĺ	ĺ	
	PROVISION	Description (for information only) APS1 APS	2 APS3	APS4	APS5 A	APS6 1	EL1	EL2	SES1	SES2	SES3
21.	s. 22(1)(a)(ii)											
22.												
23.												
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'AO' indicates that the person is an authorised officer for the power indicated.

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Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item	COLUMN 1	COLUMN 2				<u>COLU</u>	MN 3				
No.		SECTION HEADING/								ĺ	
	PROVISION s. 22(1)(a)(ii)	Description (for information of	nly) APS1	APS2 APS3	APS4	APS5 APS	56 EL1	EL2	SES1	SES2	SES3
36.	s. 22(1)(a)(ii)										
37.											
38.											
38.											
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44.											
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'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

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Item	<u>COLUMN 1</u>	<u>COLUMN 2</u>				<u>CO</u>	LUMN 3				
No.		SECTION HEAD									
	PROVISION s. 22(1)(a)(ii)	Description (for inform	ation only) APS1	APS2 A	APS3 APS4	APS5 A	APS6 EL1	EL2	SES1	SES2	SES3
т.	s. 22(1)(a)(II)										
47.											
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'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

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Item	<u>COLUMN 1</u>	<u>COLUMN 2</u>	1	1	1	ı.	<u> </u>	OLUMN	3	1	1	1	1
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	4.052	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
60.	s. 22(1)(a)(ii)	Description (for information only)	APSI	APS2	APSS	AP54	APS5	APSO	ELI	EL2	SESI	SES2	SE93
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	For persons he 'X' means the	olding, occupying or performing the duties of a position power indicated above is delegated.	on at the level	l/classificatio	on indicated i	n column 3:							
	'AO' indicate	s that the person is an authorised officer for the power tes that the person is a senior authorising officer for the	indicated.	onted									
							111 11 2	(2010)					
	Secretary – 1	Delegations and Authorisations Instrument No.	3 of 2018 (C	Corporate a	nd Enabling	g Group) (S	HA No. 3 0	of 2018)					
	Document 6												

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tem No.	COLUMN 1	COLUMN 2 SECTION HEADING/	1	1	I		<u> </u>	OLUMN	3	I	1	1	1
110.	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
<i>5</i> 9.	s. 22(1)(a)(ii)		111.51	111.02	111.50	111.01	111.55	111.50	DEI		SEST		5150
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	-												
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72.	-												
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	-												
76.													
77.	-												
												11	_
	For persons h	olding, occupying or performing the duties of a positio	n at the level	/classificatio	n indicated	n column 3:						11	
	'AO' indicate	power indicated above is delegated. s that the person is an authorised officer for the power	ndicated.										
	'SAO' indicat	tes that the person is a senior authorising officer for the	power indic	ated.									
	Secretary –	Delegations and Authorisations Instrument No. 3	of 2018 (C	Corporate a	nd Enabling	g Group) (S	CHA No. 3 o	of 2018)					
	Document 6												

													_
Item	COLUMN 1	COLUMN 2					C	OLUMN	3				
No.		SECTION HEADING/							_				
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
78.	s. 22(1)(a)(ii)												
79.													
80.													
81.													
01.													
82.	s473CB	Material to be provided to					X	X	X	X	X	X	X
		Immigration Assessment Authority											
00.	s. 22(1)(a)(ii)												
84.													
07													
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													_
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'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

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Item	COLUMN 1	COLUMN 2				С	OLUMN	3				
No.		SECTION HEADING/						_				
	PROVISION	Description (for information only)	APS1 AF	PS2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
88.	s. 22(1)(a)(ii)											
89.												
90.												
0.1												
91.												
92.												
12.												
93.												
94.												
95.												
0.6												
96.												
97.												
<u>97.</u> 98.												
70.												
99.												
												_

'AO' indicates that the person is an authorised officer for the power indicated.

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Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item	COLUMN 1	COLUMN 2			<u>COI</u>	<u>LUMN 3</u>			
No.		SECTION HEADING/							
	PROVISION	Description (for information only)	APS1 APS2	APS3 APS	S4 APS5 A	APS6 EL1	EL2 SES1	SES2	SES3
100.	s. 22(1)(a)(ii)								
101.									
102.									
103.									
Migra									
104.									
105.									
106.									
107.									
107.									

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item	<u>COLUMN 1</u>	COLUMN 2			COL	LUMN 3			
No.		SECTION HEADING/							~~~~
100	PROVISION s. 22(1)(a)(ii)	Description (for information only) APS1 APS2	APS3 APS	4 APS5 A	APS6 EL1	EL2 SES	1 SES2	SES3
108.	0. 22(1)(0)(1)								
109.									
110									
110.									
111.									
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114.									
115.									
116.									
117.									
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'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Secretary – Delegations and Authorisations Instrument No. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item	<u>COLUMN 1</u>	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				
No.		SECTION HEADING/									~ ~ ~ ~ ~ ~	~~~~	~~~~
110	s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
118.	0(.)(0)(0)												
119.	-												
	_												
120.													
121.	-												
121.													
122.													
123.	-												
123.													
124.													
	_												
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												16	
	For persons he	olding, occupying or performing the duties of a positio power indicated above is delegated.	n at the level	/classificatio	on indicated i	n column 3:							
	'AO' indicate	s that the person is an authorised officer for the power	indicated.										
	'SAO' indicat	tes that the person is a senior authorising officer for the	e power indic	ated.									
	Secretary –	Delegations and Authorisations Instrument No. 3	3 of 2018 (C	Corporate a	nd Enabling	g Group) (S	HA No. 3 q	f 2018)					

													_
Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
125.	s. 22(1)(a)(ii)												
	_												
126.													

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For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.



Migration (Secretary) (Legal Division) Delegation and Authorisation 2017 (GIDAS 15)

I, Michael Pezzullo, Secretary of the Department of Immigration and Border Protection, acting under my powers in subsection 496(2) of the *Migration Act 1958* (the Act) and subregulation 1.16(2) of the *Migration Regulations 1994* (the Regulations):

- 1. REVOKE the Instrument of Delegation and Authorisation 2017, GIDAS 15 Legal, signed on 10 March 2017;
- 2. DELEGATE my powers under those provisions of the Act and the Regulations, except any power that is to be exercised by making an instrument that is expressly referred to in the empowering provisions as a "legislative instrument" or "instrument in writing", specified in the relevant rows of Schedule 1 to this Instrument, to each person holding, occupying, or performing the duties of, a position at the level indicated in Schedule 1 to this Instrument; and
- 3. DIRECT that the specified powers may only be exercised by the specified officer if the powers are relevant to the officer's duties.

This Instrument, Migration (Secretary) (Legal Division) Delegation and Authorisation 2017 (GIDAS 15), commences immediately after signature.

Dated 3

MICHAEL PEZZULLO Secretary of the Department of Immigration and Border Protection Released by Department of Home Affairs under the Freedom of Information Act 198.

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Migration (Secretary) (Legal Division) Delegation and Authorisation 2017 (GIDAS 15)

EXEC 3	EXEC 2	
EXEC 1	EXEC	
APS	APS 6	
Title/description (for Information only) APS 5 APS 6	APS 5	
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Title/description (for information only)	nformation	
ption (for)		
itle/descri	tte/descri	
F		
lation		
Power - Section/Regulation	tion, teac	
1 25		
wer - Sei	Power - Sec s. 22(1)(a)(ii) s. 22(1)(a)(ii)	

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

For persons holding, occupying or performing duties of a position at the level/classification indicated in Row 2, in the branch/section indicated in Row 1, "X" means the prevention of the delegated of the prevention of the preve

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w 2	Row 2 Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
	6473CB		3			
	000.10	intertal to be provided to immigration Assessment Authority	×	×	×	×

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

For persons holding, occupying or performing duties of a position at the level/classification indicated in Row 2, in the branch/section indicated in Row 1, "x" means the power of the powe



1

INSTRUMENT OF DELEGATION AND AUTHORISATION 2017

I, *MICHAEL PEZZULLO*, Secretary of the Department of Immigration and Border Protection, acting under my powers in subsection 496(2) of the *Migration Act 1958* (the Act), subregulation 1.16(2) of the *Migration Regulations 1994* (the Regulations), subsection 13(5) of the *Public Service Act* 1999 and acting under the definition of "authorised officer" in regulation 1.03 of the Regulations:

- 1. REVOKE Instrument of Delegation and Authorisation 2016, GIDAS 15 Legal Division, signed on 26 August 2016.
- 2. DELEGATE my powers under those provisions of the Act and Regulations, except any power that is to be exercised by making an instrument that is expressly referred to in the empowering provision as a 'legislative instrument' or 'instrument in writing', specified in the relevant rows of Schedule 1 to this Instrument, to each person holding, or occupying, or performing the duties of a position at the level and classification specified in Schedule 1 to this Instrument.
- 3. DIRECT that the specified powers or functions may be exercised by the specified officers only if the powers and functions are relevant to the officer's duties.

This Instrument of Delegation and Authorisation 2017, GIDAS 15 Legal, commences immediately after signature.

Dated 10th March 2017

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MICHAEL PEZZULLO Secretary of the Department of Immigration and Border Protection Released by Department of Home Affairs under the Freedom of Information Act 1982

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Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
22(1)(a)(ii)					

Row 1		TRIBUNAL LIAISON AND FAST TRACK ADVICE SECTION IN LEG	TRIBUNAL LIAISON AND FAST TRACK ADVICE SECTION IN LEGISLATION BRANCH ONLY						
Row 2	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2			
	s473CB	Material to be provided to Immigration Assessment Authority	×	×	x	×			



Commonwealth of Australia

Migration Act 1958

INSTRUMENT OF DELEGATION 2016 (GIDAS 15 Legal)

I, *MICHAEL PEZZULLO*, Secretary of the Department of Immigration and Border Protection acting under my powers in subsection 496(2) of the *Migration Act 1958* (the Act):

- 1. REVOKE Instrument of Delegation 2015 GIDAS 15 Legal Division signed on 25 June 2015; and
- 2. DELEGATE my powers under those provisions of the Act, excluding all instrument making powers, specified in the relevant columns of the Schedule to this Instrument to each person holding, or occupying or performing the duties of a position at the level indicated in the Schedule to this Instrument for that power; and
- 3. DIRECT that the specified powers or functions may be exercised by the specified officers only if the powers and functions are relevant to the officer's duties.

This Instrument, the Instrument of Delegation 2016 (GIDAS 15 Legal), comes into effect:

- at the commencement of the Instrument of Delegation and Authorisation 2016 (GIDAM 15 Legal); or
- immediately after signature; whichever is later.

Dated

2016

Secretary of the Department of Immigration and Border Protection

Location and level or classification of position	Secreta	ry of the D	epartment	of Immigra	ation and E	Border Prot	ection's po	owers unde	r the <i>Migra</i>	tion Act 1	958 delega	ated to of	ficers
Legislation and Framework Branch, Commercial and Employment Law Branch, and Legal Advice and Operational Support Branch - all States and Territories:	s137(1)	s263	s264	s266	s267	s352	s375	s375A	s376	s418	s427 (1)	s437	s438
EXEC2	s. 22(1)(a)	(ii)											
EXEC1													
APS6													

Location and level or classification of position	Secretary of the Department of Immigration and Border Protection's powers under the <i>Migration Act</i> 1958 delegated to offficers
Tribunal Liaison and Fast Track Advice Section in the Legal Advice and Operational Support Branch only	s473CB
EXEC2	x
EXEC1	x
APS6	X
APS5	x



Commonwealth of Australia

Migration Act 1958

INSTRUMENT OF DELEGATION 2015

I, *MICHAEL PEZZULLO*, Secretary of the Department of Immigration and Border Protection acting under my powers in subsection 496(2) of the *Migration Act 1958* (the Act):

- 1. REVOKE Instrument of Delegation and Authorisation 2015 GIDAS 15 signed on 5 March 2015; and
- 2. DELEGATE my powers under those provisions of the Act, excluding all instrument making powers, specified in the relevant columns of the Schedule to this Instrument to each person holding, or occupying or performing the duties of a position at the level indicated in the Schedule to this Instrument for that power.

This Instrument, GIDAS 15 Legal Division, comes into effect at the commencement of the Instrument GIDAM 15 Legal Division.

25th Ju-e Dated 2015

Secretary of the Department of Immigration and Border Protection

2

	s. 22(1)(a)(ii)	
Secretary's powers under the <i>Migration Act 1958</i> and the <i>Migration Regulations 1994</i> delegated or provisions under which offficers are mande authorised officers by the Secretary		
Location and level or classification of position		

Location and level or classification of position	Secretary's powers under the <i>Migration Act 1958</i> and the <i>Migration Regulations 1994</i> delegated or provisions under which offficers are mande authorised officers by the Secretary
Tribunals Liaison and Review Implementation Section in the Legal Advice and Operation Support Branch only	s473CB
EXEC2	×
EXEC1	×
APS6	×

Released by Department of Home Affairs For persons holding, occupying or performing the duties of a position at the level/ classification indicated on left: UrX means power indicated in the row above is delegated (10/1) Act 1962



1

Australian Border Force (Secretary) Instrument No. 1 of 2018 (ABF (S) No. 1 of 2018)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

10th April 20 ZRofflo 2018 Dated

Michael Pezzullo Secretary of the Department of Home Affairs

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

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i

Part 1 - Preliminary

1 Name

This instrument is the Australian Border Force (Secretary) Instrument No. 1 of 2018. It may be cited as ABF (S) No. 1 of 2018.

2 Commencement

This instrument commences the day after signature.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Australian Border Force Act 2015, the Crimes Act 1914, the Freedom of Information Act 1982, the Freedom of Information (Charges) Regulations 1982, the Migration Act 1958, the Migration Agents Regulations 1998, the Migration Regulations 1994 and the Telecommunications (Interception and Access) Act 1979.

4 Definitions

- Note: A number of expressions used in this instrument are defined in the relevant legislation, including the following:
 - (b) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
 - (c) *authorised officer* is also defined in subsection 5(1) of the TIA Act;
 - (d) *certifying officer* is defined in subsection 5(1) of the TIA Act;
 - (e) *Immigration and Border Protection worker* is defined in subsection 4(1) of the ABF Act;
 - (f) senior authorised officer is defined in subsection 261AE(8) of the Migration Act.

Note: Section 2B and subsection 46(1) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of *APS employee* and *SES employee* from the *Public Service Act 1999*.

In this instrument:

ABF means the part of the Department known as the Australian Border Force.

ABF Act means the Australian Border Force Act 2015.

AIA means the Acts Interpretation Act 1901.

APS 1 means an APS employee who is classified as an Australian Public Service Level 1 employee under the Classification Rules.

APS 2 means an APS employee who is classified as an Australian Public Service Level 2 employee under the Classification Rules.

APS 3 means an APS employee who is classified as an Australian Public Service Level 3 employee under the Classification Rules.

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APS 4 means an APS employee who is classified as an Australian Public Service Level 4 employee under the Classification Rules.

APS 5 means an APS employee who is classified as an Australian Public Service Level 5 employee under the Classification Rules.

APS 6 means an APS employee who is classified as an Australian Public Service Level 6 employee under the Classification Rules.

Classification Rules means the rules made under section 23 of the *Public Service Act 1999*.

Crimes Act means the Crimes Act 1914.

EL 1 means an APS employee who is classified as an Executive Level 1 employee under the Classification Rules.

EL 2 means an APS employee who is classified as an Executive Level 2 employee under the Classification Rules.

FOI Act means the Freedom of Information Act 1982.

FOI Charges Regulations means the Freedom of Information (Charges) Regulations 1982.

Immigration and Border Protection worker has the same meaning as in the ABF Act.

Migration Act means the Migration Act 1958.

Migration Agents Regulations means the Migration Agents Regulations 1998.

Migration Regulations means the Migration Regulations 1994.

SES 1 means an APS employee who is classified as a Senior Executive Band 1 employee under the Classification Rules.

SES 2 means an APS employee who is classified as a Senior Executive Band 2 employee under the Classification Rules.

SES 3 means an APS employee who is classified as a Senior Executive Band 3 employee under the Classification Rules.

The Department means the Department of Home Affairs.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or

Australian Border Force (Secretary) Instrument No. 1 of 2018

subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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Part 2 - Delegations and Authorisations - the ABF Act

6 ABF Act delegations

Under section 53 of the ABF Act, the powers and functions specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to Immigration and Border Protection workers from time to time holding, occupying, or performing the duties of a position in the ABF at the classification level identified by "X" in items 4 and 5 in column 3 of the table.

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Part 3 - Delegations and Nominations - the Crimes Act

7 Crimes Act delegations

- (1) Under subsection 15LH(2) of the Crimes Act, the powers and functions specified in an item in column 1 of the table in Schedule 2 to this instrument are delegated to the Immigration and Border Protection workers from time to time holding, occupying or performing the duties of a position in the ABF at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subsection 15MX(2) of the Crimes Act, the function specified in subsection 15ME of the Crimes Act is delegated to a person from time to time holding, occupying or performing the duties of an SES Band 3 position in the ABF.

8 Crimes Act nominations

Under subsection 15J(2) of the Crimes Act, the Immigration and Border Protection workers from time to time holding, occupying or performing duties of a position in the ABF at the classification level identified by "NOM" in column 3 of item 1 in the table in Schedule 2 to this instrument are nominated for the purposes of section 15J of the Crimes Act.

Part 4 - Delegations, Authorisations and Appointments -Migration legislation

9 Migration Act delegations

- (1) Under subsection 496(2) of the Migration Act, the powers specified in an item in column 1 of the table in Schedule 3 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the ABF at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers specified in an item in column 1 of the table in Schedule 3 to this instrument are delegated to officers from time to time holding, occupying, or performing the duties of a position in the ABF at the classification level identified by "X" in column 3 of the table for that item.

10 Migration Act authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the ABF at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3 to this instrument are authorised to exercise the powers of an "authorised officer" specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, the officers from time to time holding, occupying, or performing the duties of a position in the ABF at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3 to this instrument are authorised to exercise the powers or perform the functions of an "authorised officer" specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorised officer" in subsection 261AE(8) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the ABF at the classification identified by "AO" in column 3 for item 27 of the table in Schedule 3 to this instrument are authorised to exercise the powers or perform the functions of a "senior authorised officer" for the purposes of subsection 261AE(3) and subsection 261AE(4) of the Migration Act.

11 Migration Act appointments

Under subregulation 2.10A(2) of the Migration Regulations, for section 46 of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the ABF at the classification level identified by "APP" in column 3 for an item of the table in Schedule 3 to this instrument are appointed to exercise the powers or perform the functions of a "detention review officer" in that subregulation.

Part 5 - Nominations, Authorisations, Delegations, Approvals and Appointments - the TIA Act

12 TIA Act nominations - persons that may apply for stored communications warrants on behalf of the Department

Under subsection 110(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "NOM" in column 3 for item 5 in the table in Schedule 4 to this instrument, are nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

Note the persons nominated under this section are also authorised under subsection 14(3) of this instrument to be authorised persons for the purpose of subsection 111(2) of the TIA Act.

13 TIA Act authorisations

- (1) Under subsection 5AB(1) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "AO" in column 3 for item 1 in the table in Schedule 4 to this instrument, are authorised to be "authorised officers" for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" under subsection 5(1) of the TIA Act.
- (2) Under subsection 5AC(10) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "CEO" in column 3 for item 2 in the table in Schedule 4 to this instrument, are authorised to be "certifying officers".

Note the persons authorised under subsection 14(2) of this instrument is also delegated under subsection 15(2) the powers and functions under subsection 122(2) of the TIA Act.

- (3) Under subsection 111(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "AP" in column 3 for item 6 in the table in Schedule 4 to this instrument, are authorised for the purposes of subsection 111(2) of the TIA Act.
- (4) Under subsection 135(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "AO" in column 3 for item 11 in the table in the Schedule 4 to this instrument, are authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

9

14 TIA Act delegations

- (1) Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding, occupying or performing the duties of a position in the ABF, at the classification level identified by "X" in column 3 of item 7 of the table in the Schedule 4 to this Instrument.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "X" in column 3 of item 8 of the table in the Schedule 4 to this Instrument.

15 TIA Act Approvals to exercise authority conferred by stored communication warrants

Under subsection 127(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "APR" in column 3 for item 9 in the table in Schedule 4 to this instrument, are approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

16 TIA Act Appointments to approve the exercise of authority conferred by stored communication warrants

Under subsection 127(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the ABF, at the classification level identified by "APP" in column 3 for item 10 in the table in Schedule 4 to this instrument, are appointed to be approving officers for the purposes of subsection 127(2) of the TIA Act.

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Part 6 - Approval Arrangements - the FOI Act

17 FOI Act delegations

Under subsection 23(1) of the FOI Act, approve each person from time to time holding, occupying or performing the duties of a position in the ABF at the classification levels EL 2 and SES 1 - SES 3 to exercise, in accordance with this arrangement, the agency's powers and functions under the FOI Act and to exercise the discretionary powers given to the agency in the FOI Charges Regulations.

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

11

18 Revocation of instruments

- Acting under my powers specified in Parts 2, 3 and 4 and subsection 33(3) of the Acts Interpretation Act, an instrument under the Acts and Regulations specified in subsection 19(2) of this instrument, that was executed before this instrument commenced, is revoked to the extent that it:
 - (a) delegates powers and functions to persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument; or
 - (b) appoints persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions in relation to the appointment; or
 - (c) approves persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions in relation to the approval; or
 - (d) authorises persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions of an authorised officer; or
 - (e) authorises persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions of an authorised person; or
 - (f) authorises persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions of a certifying officer; or
 - (g) authorises persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers or perform the functions of a senior authorised officer; or
 - (h) nominates persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker in the ABF on commencement of this instrument, to exercise the powers of perform the functions in relation to the nomination.

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- (2) For the purpose of subsection 19(1) of this instrument the following Acts and Regulations are specified:
 - (a) ABF Act;
 - (b) Crimes Act;
 - (c) Migration Act;
 - (d) Migration Agents Regulations;
 - (e) Migration Regulations;
 - (f) TIA Act;
 - (g) FOI Act;
 - (h) FOI Charges Regulations.
- (3) For the avoidance of doubt, this instrument does not revoke an instrument under the Acts and Regulations specified in subsection 19(2) of this instrument that was executed before commencement to the extent that it:
 - a. delegates powers and functions to Immigration and Border Protection workers who were in the ABF before the commencement of this instrument and on commencement are in the Department but not in the ABF; or
 - b. appoints persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker who was in the ABF before the commencement of this instrument and on commencement is in the Department but not in the ABF; or
 - c. approves persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker who was in the ABF before the commencement of this instrument and on commencement is in the Department but not in the ABF; or
 - d. authorises persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker who was in the ABF before the commencement of this instrument and on commencement is in the Department but not in the ABF; or
 - e. nominates persons from time to time holding, occupying or performing the duties of an Immigration and Border Protection worker who was in the ABF before the commencement of this instrument and on commencement is in the Department but not in the ABF.

Schedule 1 - Delegations and Authorisations under the ABF Act

Item						
No.	<u>COLUMN 1</u>	COLUMN 2		<u>COLU</u>	J <u>MN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	alian Border Force A	Act 2015				
1.	s. 22(1)(a)(ii)					
2.						

14

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.

Australian Border Force (Secretary) No. 1 of 2018

Item				
No.	<u>COLUMN 1</u>	COLUMN 2	<u>COLU</u>	J <u>MN 3</u>
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6	EL1 - 2 SES1 - 3
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Schedule 2 - Delegations and Nominations under the Crimes Act

Item			
No. <u>C</u>	COLUMN 1	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	OVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
13. ^{s. 22(1}	l)(a)(ii)		

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.

Australian Border Force (Secretary) No. 1 of 2018

16

Item			
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	COLUMN 3
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
Migr	ation Act 1958 s. 22(1)(a)(ii)		
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Schedule 3 – Delegations, Authorisations and Appointments under Migration Act

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment.

Australian Border Force (Secretary) No. 1 of 2018

^{&#}x27;APR' indicates an approval.

Item					
No.	COLUMN 1		COLUMN 2	COL	UMN <u>3</u>
	PROVISION	1	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6	
11.	PROVISION s. 22(1)(a)(ii)				
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'AP' indicates an authorised person. 'CEO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Australian Border Force (Secretary) No. 1 of 2018

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Item							
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>		COL	<u>UMN 3</u>		
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 -	3
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		a computing or performing the duties of a position at the level (alossification indicated in column 2)			19	4	nfo!

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment.

Australian Border Force (Secretary) No. 1 of 2018

^{&#}x27;APR' indicates an approval.

Item			
No.	COLUMN 1	<u>COLUMN 2</u>	COLUMN 3
	s. 22(1)(a)(ii)	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
41.	s. 22(1)(a)(ii)		
42.			
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For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval.

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Item						
No.	COLUMN 1	COLUMN 2		COL	<u>UMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	s. 22(1)(a)(ii)			<u> </u>		-
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	'X' means the power	indicated above is delegated.				of I
	For persons holding, 'X' means the power 'AO' indicates an au	occupying or performing the duties of a position at the level /classification indicated in column 3: indicated above is delegated. thorisation.			21	artment of Home Affairs

'AP' indicates an authorised person.

'CEO' indicates a certifying officer.

'NOM' indicates a nomination. 'APP' indicates an appointment.

'APR' indicates an approval.

Australian Border Force (Secretary) No. 1 of 2018

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Item						
No.	COLUMN 1	<u>COLUMN 2</u>		COLU	U MN 3	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
73.	s. 22(1)(a)(ii)	• • • • • • • • • • • • • • • • • • • •				
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Item							
No.	COLUMN 1	COLUMN 2		COL	UMN <u>3</u>		
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3	5
88.	s. 22(1)(a)(ii)						
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'X' means the power indicated above is delegated. 'AO' indicates an authorisation.

'AP' indicates an authorised person. 'CEO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

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Item				
No.	COLUMN 1	COLUMN 2	<u>COLUMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 -	2 SES1 - 3
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Australian Border Force (Secretary) No. 1 of 2018

Item			
No.	COLUMN 1	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 - 2 SES1 - 3
114.	PROVISION s. 22(1)(a)(ii)		
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Item						
No.	COLUMN 1	<u>COLUMN 2</u>		<u>COLU</u>	J MN 3	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
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Australian Border Force (Secretary) No. 1 of 2018

Schedule 4 - Nominations, Authorisations, Delegations, Approvals and Appointments under the **TIA Act**

Item			
No.	COLUMN 1	COLUMN 2	COLUMN 3
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6 EL1 EL2 SES1 - 3
Teleco	ommunications (Inter	rception and Access) Act 1979	
	s. 22(1)(a)(ii)		
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	'NOM' indicates a nomin	ation.	V D
	'APP' indicates an appoint	ntment.	D D
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- 'APP' indicates an appointment.
- 'APR' indicates an approval.

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Australian Border Force (Secretary) No. 1 of 2018

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1

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 26 April 20 Vile 2019

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

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

Contents

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Part 1—Preliminary

1 Name

- (1) This instrument is the Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175).
- (2) This instrument may be cited as the *Technology and Major Capability Group Instrument (S) 2019.*

2 Commencement

This instrument commences on 1 May 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, Australian Radiation Protection and Nuclear Safety Regulations 2018, AusCheck Act 2007, Aviation Transport Security Act 2004, Crimes Act 1914, Maritime Transport and Offshore Facilities Security Act 2003, Migration Act 1958 and Migration Regulations 1994.

4 Definitions

Note 1:

1: A number of expressions used in this instrument are defined in the relevant legislation, including the following:

- (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations for the purposes of that Act and Regulations;
- (b) *senior authorising officer* is defined in subsection 261AE(8) of the Migration Act for the purposes of that section.
- (c) *senior authorising officer* is defined in subsection 261AK(10) of the Migration Act for the purposes of that section.
- Note 2: Section 2B and subsection 46(1) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of *APS employee* and *SES employee* from the *Public Service Act 1999*.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

AusCheck Act means the AusCheck Act 2007.

AusCheck Regulations means the AusCheck Regulations 2017.

APS1 means an APS Level 1 classification under the Classification Rules.

APS2 means an APS Level 2 classification under the Classification Rules.

APS3 means an APS Level 3 classification under the Classification Rules.

APS4 means an APS Level 4 classification under the Classification Rules.

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175) Released by Department of Home Affairs under the Freedom of Information Act 1982

1

Section 5

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APS5 means an APS Level 5 classification under the Classification Rules.

APS6 means an APS Level 6 classification under the Classification Rules.

ARPNS Regulations means the Australian Radiation Protection and Nuclear Safety Regulations 2018.

ATS Act means the Aviation Transport Security Act 2004.

ATS Regulations means the Aviation Transport Security Regulations 2005.

Classification Rules means the Public Service Classification Rules 2000.

Crimes Act means the Crimes Act 1914.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Immigration and Border Protection worker has the same meaning as in the *Australian Border Force Act 2015*.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

MTOFS Act means the *Maritime Transport and Offshore Facilities Security Act 2003.*

MTOFS Regulations means the *Maritime Transport and Offshore Facilities* Security Regulations 2003.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

Technology and Major Capability Group means the Technology and Major Capability Group in the Department.

5 References to section or regulation

- Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules to this instrument is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules to

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

2

this instrument is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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Part 2 AusCheck Regulations

Section 6

Part 2—AusCheck Regulations

6 Delegations

Under section 12 of the AusCheck Act, the powers and functions in the provisions of the AusCheck Regulations, specified in an item in column 1 of the table in Schedule 1 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees who hold, or are acting in, a position or equivalent position;

in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.

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4

Part 3—ARPNS Regulations

7 Authorisations

Under paragraph 45(b) of the ARPNS Regulations, persons from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification levels of SES1 and SES2 are authorised to make an application for a licence under section 34 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

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5

Part 4 ATS Regulations

Section 8

Part 4—ATS Regulations

8 Delegations

Under section 127 of the ATS Act, the powers and functions in the provisions of the ATS Regulations, specified in an item in column 1 of the table in Schedule 2 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.

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6

Part 5—Crimes Act

9 Delegations

Under subsection 15LH(2) of the Crimes Act, the powers and functions in the provisions, specified in an item in column 1 of the table in Schedule 3 to this instrument, are delegated to the SES employees from time to time holding, occupying or performing the duties of a position in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.

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7

Part 6 MTOFS Regulations

Section 10

Part 6—MTOFS Regulations

10 Delegations

Under section 202 of the MTOFS Act, the powers and functions in the provisions of the MTOFS Regulations, specified in an item in column 1 of the table in Schedule 4 to this instrument, are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.

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Part 7—Migration Act and the Migration Regulations

11 Delegations

- (1) Under subsection 496(2) of the Migration Act, the powers in the provisions of the Migration Act, specified in an item in column 1 of the table in Schedule 5 to this instrument, are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provisions of the Migration Regulations, specified in an item in column 1 of the table in Schedule 5 to this instrument, are delegated to officers from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification level identified by "X" in column 3 of the table for that item.

12 Authorisations

- Under the definition of *authorised officer* in subsection 5(1) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of *authorised officer* in regulation 1.03 of the Migration Regulations, the officers from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of *senior authorising officer* in subsection 261AE(8) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 5 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AE of the Migration Act.
- (4) Under the definition of *senior authorising officer* in subsection 261AK(10) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in the Technology and Major Capability Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 5 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AK of the Migration Act.

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175) 9

11

Part 8 Revocation

Section 13

Part 8—Revocation

13 Revocation

Under the powers specified in Parts 2 to 7 and subsection 33(3) of the Acts Interpretations Act, the following instruments are revoked:

- (a) the Secretary Delegations and Authorisations Instrument No. 4 of 2018 (Intelligence and Capability Group) (SHA No. 4 of 2018), which was signed on 9 April 2018;
- (b) the Secretary Delegations and Authorisations Instrument No. 4.1 of 2018 (Intelligence and Capability Group), which was signed on 2 October 2018;
- (c) the Secretary Delegations and Authorisations Amendment Instrument No. 4.2 of 2018 (Intelligence and Capability Group), which was signed on 11 December 2018.

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Delegations under the AusCheck Regulations Schedule 1

Schedule 1—Delegations under the AusCheck Regulations

For Part 2 of the instrument.

Item	COLUMN 1	COLUMN 2	<u>COLUMN 3</u>										
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
AusCh						n an						1	
1. ^s	eck Regulations 20 a. 22(1)(a)(ii)												
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

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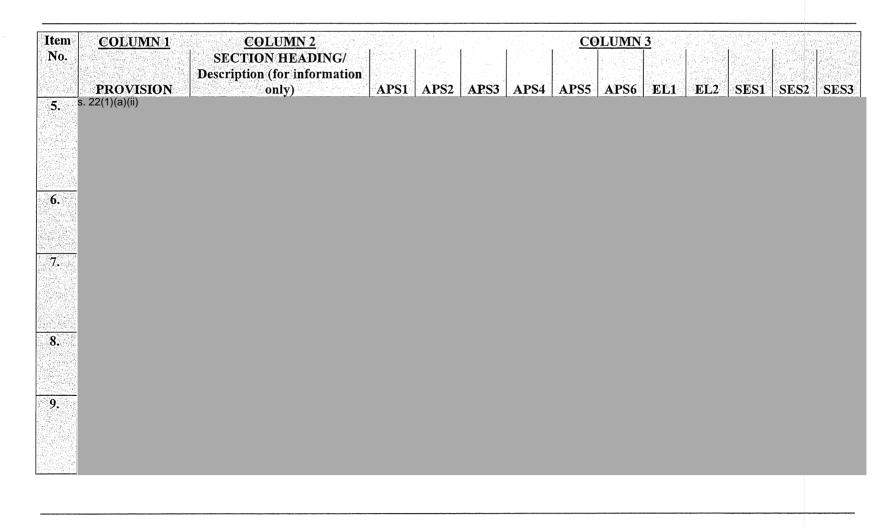
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Schedule 1 Delegations under the AusCheck Regulations



12

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

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14

Delegations under the AusCheck Regulations Schedule 1

Item No.	<u>COLUMN 1</u> PROVISION	COLUMN 2 SECTION HEADING/ Description (for information only)	APS1 APS2	APS3	APS4	<u>CO</u> APS5	LUMN APS6	<u>3</u> EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)											
11.												
11.												
12.												
13. 14.												
		Secretary Instrument 2019 (Po	wers and Functions of	of the Techr	nology and	l Major Ca	apability G	roup) (LI	 N 19/175,)		13

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u> PROVISION	COLUMN 2 SECTION HEADING/ Description (for information only)		A D 53 A D 54	COLUMN		ECI CECI CECI
15. ^s	5. 22(1)(a)(ii)	only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2 S	ES1 SES2 SES3
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14

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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Delegations under the AusCheck Regulations Schedule 1

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Item No.	COLUMN 1	COLUMN 2 SECTION HEADING/ Description (for information	ADC1 ADC2	47002		LUMN 3	FI 3 OFO	1. 6501 6502
19. ^s	PROVISION s. 22(1)(a)(ii)	only)	APS1 APS2	APS3 AP	S4 APS5	APS6 EL1	EL2 SES	1 SES2 SES3
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States -		Secretary Instrument 2019 (Pow					D(10/175)	15

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

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Schedule 1 Delegations under the AusCheck Regulations

Item	COLUMN 1	<u>COLUMN 2</u>	<u>COLUMN 3</u>
No.	DROVICION	SECTION HEADING/ Description (for information	
20. s	PROVISION . 22(1)(a)(ii)	only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3

16

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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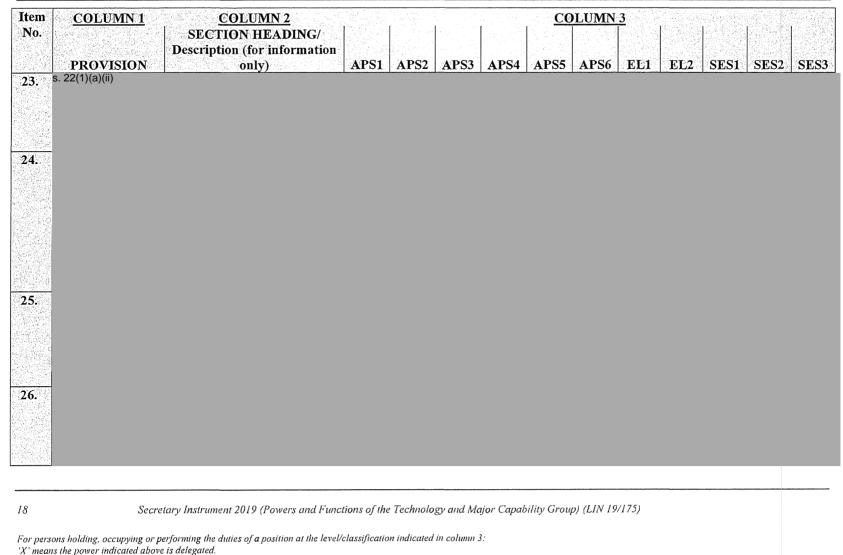
Delegations under the AusCheck Regulations Schedule 1

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1. ^{S.}	PROVISION 22(1)(a)(ii)	only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES.
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		Secretary Instrument 2019 (Pov	vers and Functions	of the Tech	nology and	l Major Co	pability Gr	oup) (LI)	N 19/175)			1
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Schedule 1 Delegations under the AusCheck Regulations



'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Delegations under the AusCheck Regulations Schedule 1

tem <u>(</u> No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for information			<u>MIN 3</u>	
P	ROVISION (1)(a)(ii)	only)	APS1 APS2 APS3	APS4 APS5 AP	S6 EL1 EL2 SES1	SES2 SES3
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates that the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.

Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/ Description (for information						LUMN	1 4 1				
	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
33. ^e	5. 22(1)(a)(ii)												
34.													
35.													
36.													
37.													

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

Schedule 2—Delegations under the ATS Regulations

For Part 4 of the instrument.

Item No.	<u>COLUMN 1</u> PROVISION	<u>COLUMN 2</u> SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	LUMN APS6	[EL2	SES1	SES2	SES3
Aviatio 1.		rity Regulations 2005										
2.												

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

21

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

Schedule 3 Delegations under the Crimes Act

Schedule 3—Delegations under the Crimes Act

For Part 5 of the instrument.

Item No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/				<u>C01</u>	UMN 3					
	PROVISION	Description (for information only)	APS1 AP	S2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crimes	s Act 1914 . 22(1)(a)(ii)											
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<u>4.</u> 5.												
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

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Delegations under the Crimes Act Schedule 3

Item COLUMN 1 No. PROVISION s. 22(1)(a)(ii) S. 22(1)(a)(ii)	COLUMN 2 SECTION HEADING/ Description (for information only) APS1	COLUMN 3 2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
12		

Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

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Schedule 4 Delegations under the MTOFS Regulations

Schedule 4—Delegations under the MTOFS Regulations

For Part 6 of the instrument.

Item	COLUMN 1	<u>COLUMN 2</u>			COLUMN	3			
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1	EL2 SES1	SES2	SES3
Maritir	me Transport and	Offshore Facilities Security Reg	Ani and a second se					5.000	616266
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

For Part 7 of the instrument.

Item	<u>COLUMN 1</u>	<u>COLUMN 2</u>	COLUMN 3										
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

25

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

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

No.		Descrip	HEADING/ tion (for						
	PROVISION s. 22(1)(a)(ii)	informa	tion only)	APS1 AF	PS2 APS3	APS4 APS	5 APS6 EL	1 EL2 SES1	SES2 SES
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

AO' indicates that the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.

Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

Item No.	<u>COLUMN 1</u> PROVISION	<u>COLUMN 2</u> SECTION HEADING/ Description (for information only)	COLUMN 3 APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
20. 21. 22. 23. 24. 25. 26.	22(1)(a)(ii)		
27. 28. 29. 30. 31.			
		Secretary Instrument 2019 (Pov	owers and Functions of the Technology and Major Capability Group) (LIN 19/175) 23

For persons holding, occupying or performing the duties of a position at the level/class 'X' means the power indicated above is delegated. 'AO' indicates that the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.

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No.			유민이 가지 말한 것이 하나		COLUMN	2	
	PROVIDENT	SECTION HEADING/ Description (for					
<u></u>	PROVISION 22(1)(a)(ii)	information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2 SI	ES1 SES2 SES3
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

Document 12

Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

ltem	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN-3</u>
No.		SECTION HEADING/ Description (for information only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

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

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

Item	COLUMN 1	COLUMN 2			COLUMN 3		
No.		SECTION HEADING/					
	PROVISION	Description (for information only)	APS1 APS2	APS3 APS4	APS5 APS6	EI1 EI2 S	SES1 SES2 SES
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

Item No.	<u>COLUMN 1</u> PROVISION	COLUMN 2 SECTION HEADING/ Description (for information only)	APS1 APS2	APS3 APS4	COLUMN 3 APS5 APS6 EL	1 EL2 SES1 SES2 SES
s. 2	PROVISION 22(1)(a)(ii)					
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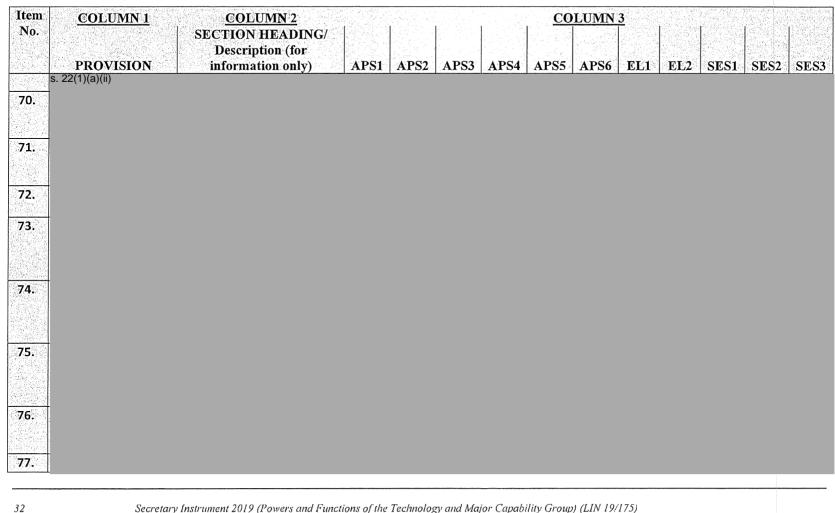
Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

31

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.



For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

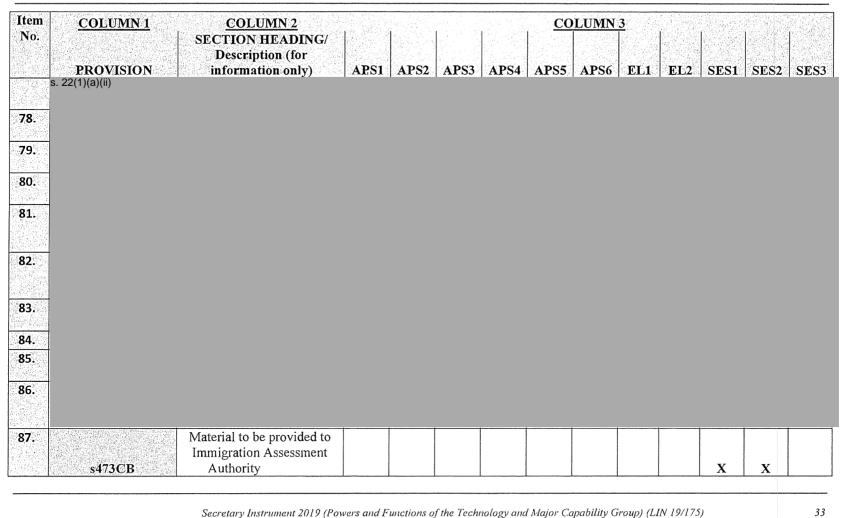
'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.

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Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

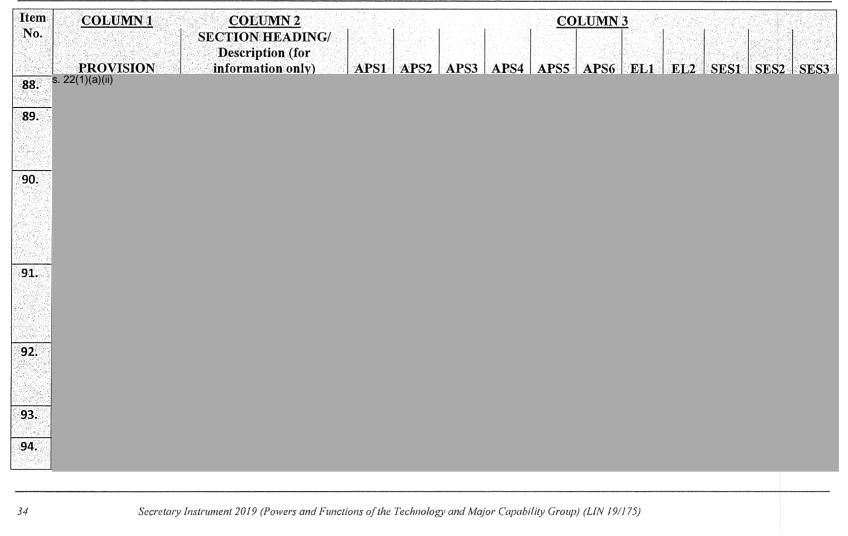


Released by Department of Home Affairs under the Freedom of Information Act 1982

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.



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'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

Item No.	COLUMN 1	COLUMN 2 SECTION HEADING/	<u>COLUMN 3</u>
	PROVISION 22(1)(a)(ii)	Description (for	PS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

tem No.	<u>COLUMN 1</u>	COLUMN 2 SECTION HEADING/			COLUMN	<u>3</u>	
ai	PROVISION	Description (for	APS1 APS2	APS3 APS4	APS5 APS6	EL1 EL2 S	ES1 SES2 SES
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

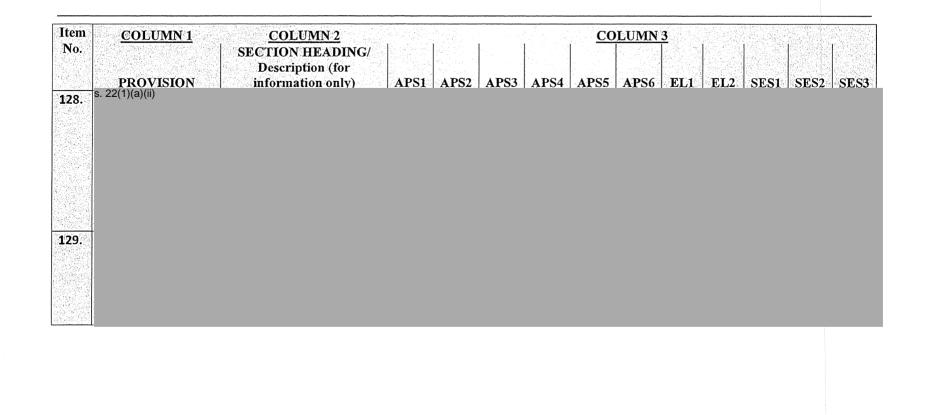
'SAO' indicates that the person is a senior authorising officer for the power indicated.

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Delegations and authorisations under the Migration Act and Migration Regulations Schedule 5

No.	COLUMN 1	COLUMN 2 COLUMN 3 SECTION HEADING/	6mc 3 6mc
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Secretary Instrument 2019 (Powers and Functions of the Technology and Major Capability Group) (LIN 19/175)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated.

'SAO' indicates that the person is a senior authorising officer for the power indicated.



Secretary – Delegations and Authorisations Instrument No. 4 of 2018 (Intelligence and Capability Group) (SHA No. 4 of 2018)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 9th April 2018

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

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10	AusCheck Regulations delegations.	3
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Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) (SHA No.4 of 2018)

Part 1 - Preliminary

1 Name

This instrument is the Secretary – Delegations and Authorisations Instrument No. 4 of 2018 (Intelligence and Capability Group). It may be cited as SHA No. 4 of 2018.

2 Commencement

This instrument commences on 16 April 2018.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Australian Border Force Act 2015, the Australian Radiation Protection and Nuclear Safety Regulations 1999, the Aviation Transport Security Act 2004, the Aviation Transport Security Regulations 2005, the AusCheck Act 2007, the AusCheck Regulations 2017, the Australian Border Force Act 2015, the Telecommunications (Interception and Access) Act 1979, the Maritime Transport and Offshore Facilities Security Regulations 2003, the Migration Act 1958 and the Migration Regulations 1994.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in the relevant legislation, including the following:
 - (a) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
 - (b) Immigration and Border Protection worker is defined in subsection 4(1) of the ABF Act.
 - (c) senior authorising officer is defined in subsection 261AE(8) of the Migration Act.

Note: Section 2B and subsection 46(1) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of *APS employee* and *SES employee* from the *Public Service Act 1999*.

Note 2: Classification levels referred to in this instrument have the same meaning as the approved classifications set out in Schedule 1 to the *Public Service Classification Rules 2000*. A position has a particular approved classification if an APS employee holding, occupying or performing the duties of that position would assigned that classification

In this instrument:

ABF Act means the Australian Border Force Act 2015.

Acts Interpretation Act means the Acts Interpretation Act 1901.

ARPNS Regulations means the Australian Radiation Protection and Nuclear Safety Regulations 1999.

ATS Act means the Aviation Transport Security Act 2004.

ATS Regulations means the Aviation Transport Security Regulations 2005.

Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) (SHA No.4 of 2018) Released by Department of Home Affairs under the Freedom of Information Act 1982

AusCheck Regulations means the AusCheck Regulations 2017.

Crimes Act means the Crimes Act 1914.

Intelligence and Capability Group means the Intelligence and Capability Group in the Department.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

MTOFS Act means the Maritime Transport and Offshore Facilities Security Act 2003.

MTOFS Regulations means the Maritime Transport and Offshore Facilities Security Regulations 2003.

The Department means the Department of Home Affairs.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is a reference to a provision of the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

Part 2 – Delegations - the AusCheck Regulations

6 AusCheck Regulations delegations

Under section 12 of the AusCheck Act, the powers in the provisions of the AusCheck Regulations specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.

Part 3 – Delegations – the ATS Regulations

7 ATS Regulations delegations

Under section 127 of the ATS Act, the powers and functions in the provisions of the ATS Regulations specified in an item in column 1 of the table in Schedule 2 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.

Part 4 – Delegations - the Crimes Act

8 Crimes Act delegations

Under subsection 15LH(2) of the Crimes Act, the powers and functions in the sections specified in an item in column 1 of the table in Schedule 3 to this instrument are delegated to the Immigration and Border Protection workers from time to time holding, occupying or performing the duties of a position in the Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.

Part 5 - Delegations - the MTOFS Regulations

9 MTOFS Regulations delegations

(1) Under section 202 of the MTOFS Act, the powers and functions in the section specified in an item in column 1 of the table in Schedule 4 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.

Part 6 – Delegations and Authorisations – Migration Legislation

10 Migration Act delegations

- (2) Under subsection 496(2) of the Migration Act, the powers in the section specified in an item in column 1 of the table in Schedule 5 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.
- (3) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision of a regulation specified in an item in column 1 of the table in Schedule 5 to this instrument are delegated to officers from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification level identified by "X" in column 3 of the table for that item.

11 Migration Act authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, the officers from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, the officers from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification level identified by "AO" in column 3 of an item of the table in Schedule 5 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 5 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in Intelligence and Capability Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 5 to this instrument are authorised to perform the functions of a "senior authorising officer" under this section 261AK of the Migration Act.

Part 7 - Nominations, Authorisations, Delegations, Approvals and Appointments - the TIA Act

12 TIA Act nominations - persons that may apply for stored communications warrants on behalf of the Department

Under subsection 110(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "NOM" in column 3 of item 3 in the table in Schedule 6 to this instrument, are nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

Note the persons nominated under this section are also authorised under subsection 14(3) of this instrument to be authorised persons for the purpose of subsection 111(2) of the TIA Act.

13 TIA Act authorisations

- (1) Under subsection 5AB(1) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "AO" in column 3 of item 1 in the table in Schedule 6 to this instrument, are authorised officers for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" in subsection 5(1) of the TIA Act.
- (2) Under subsection 5AC(10) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "CTO" in column 3 for item 2 in the table in Schedule 6 to this instrument, are authorised to be certifying officers.

Note the persons authorised under subsection 14(2) of this instrument is also delegated under subsection 15(2) the powers and functions under subsection 122(2) of the TIA Act.

- (3) Under subsection 111(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "AP" in column 3 for item 4 in the table in Schedule 6 to this instrument, are authorised for the purposes of subsection 111(2) of the TIA Act
- (4) Under subsection 135(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "AO" in column 3 for item 9 in the table in the Schedule 6 to this instrument, are authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

14 TIA Act delegations

- (1) Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding, occupying or performing the duties of a position in the Intelligence and Capability Group, at the classification level identified by "X" in column 3 of item 5 of the table in the Schedule 6 to this Instrument.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "X" in column 3 of item 6 of the table in the Schedule 6 to this Instrument.

15 TIA Act Approvals to exercise authority conferred by stored communication warrants

Under subsection 127(2) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "APR" in column 3 for item 7 in the table in Schedule 6 to this instrument, are approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

16 TIA Act Appointments to approve the exercise of authority conferred by stored communication warrants

Under subsection 127(3) of the TIA Act, the persons referred to in paragraph (a) of the definition of Immigration and Border Protection workers from time to time holding or occupying a position in the Intelligence and Capability Group, at the classification level identified by "APP" in column 3 for item 8 in the table in Schedule 6 to this instrument, are appointed to be approving officers for the purposes of subsection 127(2) of the TIA Act.

Part 8 – Authorisations – ARPNS Regulations

Under subparagraph 39(4)(b)(ii)of the ARPNS Regulations, persons from time to time holding, occupying, or performing the duties of a position in the Intelligence and Capability Group at the classification levels of SES 1-SES 3 are authorised to make an application for a licence under section 34 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

Part 9 - Revocation

17 Revocation of instruments

- Acting under my powers specified in Parts 2, 3, 4, 5, 6, 7 and 8 and subsection 33(3) of the Acts Interpretation Act, revoke the instruments listed in subsection 17(2) insofar as the instruments:
 - (a) delegate powers or functions to persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group; or
 - (b) appoint persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group to exercise the powers or perform the functions in relation to the appointment; or
 - (c) approves persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group to exercise the powers or perform the functions in relation to the approval; or
 - (d) authorise persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group to exercise the powers or perform the functions of an authorised person; or;
 - (e) authorises persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability to exercise the powers or perform the functions of an authorised officer; or
 - (f) authorises persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability to exercise the powers or perform the functions of a certifying officer; or
 - (g) authorises or appoints persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group to exercise the powers or perform the functions of a senior authorising officer; or
 - (h) nominates persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Intelligence and Capability Group to exercise the powers of perform the functions in relation to the nomination.

- (2) For the purpose of subsection 17(1), the following instruments are listed:
 - (a) Instrument of Authorisation (DEL 15/121) signed on 1 July 2015;
 - (b) Instrument of Authorisation 2015 (DEL 15/133) signed on 1 July 2015;
 - (c) Instrument of Authorisation 2015 (DEL 15/158) signed on 24 September 2015;
 - (d) Instrument of Authorisation and Delegation 2015 (DEL 15/159) signed on 24 Septmeber 2015;
 - (e) *Instrument of Authorisation 2015* (DEL 15/160) signed on 24 September 2015;
 - (f) Instrument of Approval, Appointment and Delegation 2015 (DEL 15/161) signed on 24 September 2015;
 - (g) Instrument of Nomination and Authorisation 2015 (DEL 15/162) signed on 24 September 2015;
 - (h) Instrument of Authorisation (DEL 15/170) signed on 7 October 2015;
 - (i) Migration (Secretary) (Identification) Authorisation 2017 (DEL 17/086), signed on 19 December 2017
 - (j) Secretary's Aviation Transport Security Delegation Instrument 2017 (DEL 17/093) signed on 20 December 2017;
 - (k) Secretary's Maritime Transport and Offshore Facilities Security Delegation Instrument 2017 (DEL 17/094) signed on 20 December 2017; and
 - (l) Secretary's AusCheck Delegation Instrument 2017 (DEL 17/095) signed on 20 December 2017.

Schedule 1 – Delegations under the AusCheck Regulations

	Scheuder I – Delegations under the Ausenteek Regulation		
Item	<u>COLUMN 1</u> <u>COLUMN 2</u> <u>COLUMN 3</u>		
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	PROVISION Description (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1	EL2 SES1	SES2 SES3
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	'SAO' indicates that the person is a senior authorising officer for the power indicated.)ep
	'AP' indicates an authorised person.		YC
	'CTO' indicates a certifying officer. 'NOM' indicates a nomination.		D D D
	'APP' indicates an appointment.		sec
	'APR' indicates an approval.		der
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ltem	COLUMN 1	COLUMN 2					C	<u>OLUMN</u>	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1 A	APS2 A	PS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
6.	s. 22(1)(a)(ii)												
7.													
8.													
9.													
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10													
10.													
													82
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	Secretary – Delego	ations and Authorisations Instrument No.4 of 2018	R (Intelligence (and Canahil	lity Grou	(n) No 4 of	° 2018 (SHA	No 4 of 20	18)				ased by Department of Home Affairs r the Freedom of Information Act 1982
								11017 05 20				14	nt o
	For persons holdin 'X' means the pow	g, occupying or performing the duties of a position ver indicated above is delegated.	n at the level/cl	lassification	indicate	d in colun	nn 3:						of
	'AO' indicates that	t the person is an authorised officer for the power	indicated.										mo
	'SAO' indicates th 'AP' indicates an a	at the person is a senior authorising officer for the	e power indicate	ed.									Dep
	'CTO' indicates an a	certifying officer.											by Fre
	'NOM' indicates a	nomination.											he
	'APP' indicates an	appointment.											62 -

'APP' indicates an appointment. 'APR' indicates an approval.

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No.	COLUMN 1	COLUMN 2 SECTION HEADING/		1	I I		<u>DLUMN</u>	<u>3</u>			í I	
	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
11.	PROVISION s. 22(1)(a)(ii)	Description (for mormation only)	11151 11152	111.55	11154	M 55	11.50			SESI		5155
12.												
13.												
14.												
17.												
15.												
16.												
17.												
1/.												22
												airs 198
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	Sacratam Deleg	ations and Authorisations Instrument No.4 of 2018	(Intelligence and Co	nahility Cro	un) No 1 of	2018 (84)	No 1 of 201	18)				f Home
	Secretury – Delego	auons ana Aunorisauons Instrument 110.4 0J 2018	(intenigence and Ca	pabuny Gro	up) 1\0.4 0J .	2010 (SIIA	1 10. 4 0j 201	0)			15	for.

- For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
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- 'NOM' indicates a nomination.
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tem	<u>COLUMN 1</u>	<u>COLUMN 2</u>					C	OLUMN	3				
No.		SECTION HEADING/											
0	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8. ^s	5. 22(1)(d)(ll)												
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									/			16	nto
	For persons holding	ng, occupying or performing the duties of a positic ver indicated above is delegated.	on at the level/	classificat	ion indicate	ed in colum	ın 3:						0

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Item	COLUMN 1	COLUMN 2				C	OLUMN	3				
No.	DDOUIGION	SECTION HEADING/				ADGE		FI 1	EI A	CEC1	CECA	GEG
25.	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APSI APS	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
26.												
20.												
27.												
21.												
28.												
28.												
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29.												
30.												
50.												
31.												32
												Department of Home Affairs edom of Information Act 1982
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	Secretary – Deleg	ations and Authorisations Instrument No.4 of 2018	8 (Intelligence and C	apability Gro	oup) No.4 oj	f 2018 (SHA	No.4 of 20	18)			17	t of l
	For persons holdin	ng, occupying or performing the duties of a positio wer indicated above is delegated.	n at the level/classif	cation indica	ted in colun	nn 3:					17	men of In
	'AO' indicates that	at the person is an authorised officer for the power	indicated.									oarti
		hat the person is a senior authorising officer for the	power indicated.									Dep

- 'AP' indicates an authorised person. 'CTO' indicates a certifying officer.
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Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.	PROVISION	SECTION HEADING/ Description (for information only)	A PS1	A P \$2	A PS3	A PS4	A PS5	APS6	EL1	EL2	SES1	SES2	SES3
32.	s. 22(1)(a)(ii)	Description (for information only)	M S	111 02	111 00	1104	111 05	111 50			SEGI	5152	5255
22													
33.													
24													
34. 35.													

Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)	18
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Schedule 2 – Delegations under the ATS Regulations

COLUMN 1	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				
	SECTION HEADING/											
PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
ion Transport Security	Regulations 2005											
s. 22(1)(a)(II)												
	PROVISION	SECTION HEADING/PROVISIONDescription (for information only)ion Transport Security Regulations 2005	SECTION HEADING/ PROVISION Description (for information only) APS1 ion Transport Security Regulations 2005	SECTION HEADING/ APS1 PROVISION Description (for information only) APS1 APS2 ion Transport Security Regulations 2005 APS1 APS2	SECTION HEADING/ APS1 APS2 APS3 PROVISION Description (for information only) APS1 APS2 APS3 ion Transport Security Regulations 2005 APS1 APS2 APS3	SECTION HEADING/ APS1 APS2 APS3 APS4 ion Transport Security Regulations 2005 2005 <td< td=""><td>SECTION HEADING/ PROVISIONSECTION HEADING/ Description (for information only)APS1APS2APS3APS4APS5ion Transport Security Regulations 2005</td><td>SECTION HEADING/ PROVISIONSECTION HEADING/ Description (for information only)APS1APS2APS3APS4APS5APS6ion Transport Security Regulations 2005</td><td>SECTION HEADING/ APS1 APS2 APS4 APS5 APS6 EL1 ion Transport Security Regulations 2005 2005</td><td>SECTION HEADING/ APS1 APS2 APS3 APS4 APS6 EL1 EL2 ion Transport Security Regulations 2005 2</td><td>SECTION HEADING/ APS1 APS2 APS3 APS4 APS6 EL1 EL2 SES1 ion Transport Security Regulations 2005 2005</td><td>SECTION HEADING/ APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 ion Transport Security Regulations 2005 2005</td></td<>	SECTION HEADING/ PROVISIONSECTION HEADING/ Description (for information only)APS1APS2APS3APS4APS5ion Transport Security Regulations 2005	SECTION HEADING/ PROVISIONSECTION HEADING/ Description (for information only)APS1APS2APS3APS4APS5APS6ion Transport Security Regulations 2005	SECTION HEADING/ APS1 APS2 APS4 APS5 APS6 EL1 ion Transport Security Regulations 2005 2005	SECTION HEADING/ APS1 APS2 APS3 APS4 APS6 EL1 EL2 ion Transport Security Regulations 2005 2	SECTION HEADING/ APS1 APS2 APS3 APS4 APS6 EL1 EL2 SES1 ion Transport Security Regulations 2005 2005	SECTION HEADING/ APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 ion Transport Security Regulations 2005 2005

Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)	10
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:	19
'X' means the power indicated above is delegated.	
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'CTO' indicates a certifying officer.	
'NOM' indicates a nomination.	
'APP' indicates an appointment.	
'APR' indicates an approval.	

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Document 13

Schedule 3 – Delegations and Authorisations under the Crimes Act

	Att												
Item	COLUMN 1	<u>COLUMN 2</u>					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/							_				
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	es Act 1914												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.	-												
6.	-												
7.	-												
8.	-												N
9.	-												tment of Home Affairs of Information Act 1982
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	_											_	ne n
													Hor
	Secretary – Delego	ations and Authorisations Instrument No.4 of 2018	8 (Intelligence	e and Capa	ability Gro	up) No.4 of	2018 (SHA	No.4 of 20	18)			20	partment of Ho orn of Informat
	For persons holdin	g, occupying or performing the duties of a positio	n at the level/	/classificat	ion indicat	ed in colum	ın 3·					20	Inf
	'X' means the pow	ver indicated above is delegated.		classificat	ion maioat	ea in colum							of
	'AO' indicates that	t the person is an authorised officer for the power	indicated.										part

'SAO' indicates that the person is a senior authorising officer for the power indicated.

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Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													

Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018) For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:	21
'X' means the power indicated above is delegated.	
'AO' indicates that the person is an authorised officer for the power indicated. 'SAO' indicates that the person is a senior authorising officer for the power indicated.	
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Schedule 4 – Delegations and Authorisations under the MTOFS Regulation

	<u> </u>												
Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Marit	time Transport and Of	ffshore Facilities Security Regulations	2003										
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)	
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:	22
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'NOM' indicates a nomination.	
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Schedule 5 – Delegations and Authorisations under the Migration Act and Migration Regulations

	11ct and			9									
Item	COLUMN 1	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				
No.		SECTION HEADING/											
	PROVIDION	Description (for information	A DOI		A DCO			A DOC	FI 4		CDC1	GEGA	CECA
	PROVISION	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migra	tion Act 1958 s. 22(1)(a)(ii)												
1.	22(1)(a)(1)												
2.													
3.													
4.													
5.													
6.													
7.													
/•													airs 1982
8.													Affairs Act 198
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	~		0 /7 11	1.6	L.1. 6				10)				nt of Ho nformat
	Secretary – Delegatio	ons and Authorisations Instrument No.4 of 201	8 (Intelligen	ice and Cap	oability Gro	up) No.4 oj	2018 (SHA	No.4 of 20	18)			23	nt of Ho nformat
												<i>23</i>	EE

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Item	COLUMN 1	COLUMN 2					C	OLUMN	2				
No.		SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4		APS6		EL2	SES1	SES2	SES3
9.	PROVISION s. 22(1)(a)(ii)	, , , , , , , , , , , , , , , ,	1				111.50						
10.													
11.													
12.													
13.													
14.													
15. 16.													
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18.													
19.													Home Affairs nation Act 1982
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Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)

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Item No.	<u>COLUMN 1</u>	COLUMN 2	T	1	1	1		<u>OLUMN</u>	3	I.	1	1	1
110.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
20.	s. 22(1)(a)(ii)	Uniyy	AISI	AI 52	AI 55	AI 54	AI 55	AIBU			5151	5152	565
21.													
	_												
22.	-												
23.													
24.	-												
24.													
25.	-												
26.													
27.	-												
	_												
28.	_												
29.													
30.													82
31.													airs 19
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													Iome Affairs ation Act 1982
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Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)

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Item No.	COLUMN 1	COLUMN 2	1				<u>C</u>	OLUMN	3				
190.		SECTION HEADING/ Description (for information											
32.	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
33.													
34.													
35. 36.													
37.													
38.													
39. 40.													
41.													
													iirs 1982
													ie Affa n Act
	Secretary – Delegation	ns and Authorisations Instrument No.4 of 20.	18 (Intelliger	ice and Cap	ability Gro	up) No.4 of	²⁰¹⁸ (SHA	1 No.4 of 20	18)				of Hom
	For persons holding, o 'X' means the power i 'AO' indicates that the	accupying or performing the duties of a positi ndicated above is delegated. e person is an authorised officer for the powe he person is a senior authorising officer for th orised person. tifying officer. mination.	on at the lever	el/classifica					,			26	Released by Department of Home Affairs under the Freedom of Information Act 1982

- 'APP' indicates an appointment. 'APR' indicates an approval.

tem	COLUMN 1	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
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47.													
48.													
49.													Affairs Act 1982
50.													of 1
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	Secretary – Delegatio	ons and Authorisations Instrument No.4 of 201	8 (Intelligend	ce and Cap	ability Gro	up) No.4 of	f 2018 (SHA	No.4 of 20)18)			27	of Ho
	'X' means the power	occupying or performing the duties of a position indicated above is delegated.		l/classifica	tion indicat	ed in colum	nn 3:					21	artment of Home

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Item	COLUMN 1	<u>COLUMN 2</u>					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PDOVISION	Description (for information	A DC1	ADCO	4 062			ADSC	FI 1	EI 2	CEC1	SESS	SEC2
51.	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
51.													
52.													
53.													
54.													
55.													
56.													
57.													
58.													
59.													
60.													Home Affairs nation Act 1982
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													ion
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Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)

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Item	<u>COLUMN 1</u>	COLUMN 2	1			<u>C</u>	OLUMN	3		1		1
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1 AI	S2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
61.	s. 22(1)(a)(ii)	oni, j				111.50	111.50	LUI		5151		
62.												
63.												
64.												
65.												
66.												
67.												
68.												82
69.												Affairs Act 1982
												ome tion
	Secretary – Delegation	ns and Authorisations Instrument No.4 of 20.	18 (Intelligence an	l Capability Gr	oup) No.4 oj	f 2018 (SHA	No.4 of 20	18)			29	irtment of Ho m of Information
	'X' means the power i	becupying or performing the duties of a positi indicated above is delegated.		sification indica	ited in colun	nn 3:						rtment of of Inform

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u> SECTION HEADING/				<u>OLUMN</u>	<u>3</u>				
		Description (for information			~				~ ~ ~ ~ ~ ~	~~~~	~~~~
70	PROVISION s. 22(1)(a)(ii)	only)	APS1 APS2	APS3 APS	S4 APS5	APS6	EL1	EL2	SES1	SES2	SES3
70.	5. 22(1)(d)(ll)										
71.											
72.											
73.											
74.											
	-										
75.											
	-										
76.											
77.	-										
											of Home Affairs prmation Act 1982
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	Secretary – Delegatio	ons and Authorisations Instrument No.4 of 201	18 (Intelligence and Cap	ability Group) No	.4 of 2018 (SHA	No.4 of 20.	18)				of H vrma

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No.		SECTION HEADING/											
		Description (for information											
	PROVISION	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
78.	s. 22(1)(a)(ii)												
=0													
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82.													
83.													
0.4													
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85.													
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Secretary – Delegations and Authorisations Instrument No.4 of 2018 (Intelligence and Capability Group) No.4 of 2018 (SHA No.4 of 2018)

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Item	COLUMN 1	<u>COLUMN 2</u>					C	OLUMN	3				
No.	<u>COLUMIN I</u>	SECTION HEADING/					<u>C</u>	OLUMIN	<u> </u>				
	DDOVISION	Description (for information	A DC1	ADSO	APS3			ADSC	FI 1	EI 2	SES1	SEST	SES3
87.	PROVISION	only) Material to be provided to	APS1	APS2	APSJ	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SESS
0/1		Immigration Assessment											
00	s473CB s. 22(1)(a)(ii)	Authority									X	X	Χ
88. 89.													
07.													
00													
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- 'AO' indicates that the person is an authorised officer for the power indicated.
- 'SAO' indicates that the person is a senior authorising officer for the power indicated.
- 'AP' indicates an authorised person.
- 'CTO' indicates a certifying officer.
- 'NOM' indicates a nomination.
- 'APP' indicates an appointment.
- 'APR' indicates an approval.

tem	COLUMN 1	COLUMN 2					<u>C</u>	<u>OLUMN</u>	3				1
0.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES
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'APP' indicates an appointment. 'APR' indicates an approval.

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No.		SECTION HEADING/											
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	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
1000	22(1)(d)(0)												
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- For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
- 'X' means the power indicated above is delegated.
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Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
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114	PROVISION s. 22(1)(a)(ii)	only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
114.													
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- 'X' means the power indicated above is delegated.
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128.	2 5150	<u>SLS</u>				111.50	111 55	mor	111.50	111.52	1101	Ully y	s. 22(1)(a)(ii)	126.
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- 'CTO' indicates a certifying officer.
- 'NOM' indicates a nomination.
- 'APP' indicates an appointment.
- 'APR' indicates an approval.

Schedule 6 – Delegations, Authorisations, Nominations, Appointments and Approvals under the TIA Act

Item	COLUMN 1	COLUMN 2					C	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Teleco	ommunications (Inter	ception and Access) Act 1979											
1.	s. 22(1)(a)(II)												
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:	37
'X' means the power indicated above is delegated.	
'AO' indicates that the person is an authorised officer for the power indicated.	
'SAO' indicates that the person is a senior authorising officer for the power indicated.	
'AP' indicates an authorised person.	
'CTO' indicates a certifying officer.	
'NOM' indicates a nomination.	
'APP' indicates an appointment.	
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ltem	COLUMN 1	COLUMN 2				C	<u>OLUMN</u>	3				
No.		SECTION HEADING/										
_	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES
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	Secretary – Delege	ations and Authorisations Instrument No.4 of 201	8 (Intelligence and Ca	pability Gro	up) No.4 of	^c 2018 (SHA	No.4 of 20	18)				of F
	For persons holdin	ng, occupying or performing the duties of a position	on at the level/classific	ation indicat	ed in colun	nn 3·					38	by Department of Ho
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	'AO' indicates that	t the person is an authorised officer for the power	indicated.									E d
	'SAO' indicates th	hat the person is a senior authorising officer for th	e nower indicated									03 7

'CTO' indicates a certifying officer. 'NOM' indicates a nomination.

- 'APP' indicates an appointment. 'APR' indicates an approval.

LIN 19/227



1

Security and Resilience Group (Secretary) Instrument 2019 (LIN 19/227)

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 13 A 2019

Michael Pezzullo Secretary of the Department of Home Affairs

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Part 1 - Preliminary

1 Name

- This instrument is the Security and Resilience Group (Secretary) Instrument 2019 (LIN 19/227).
- (2) It may be cited as LIN 19/227.

2 Commencement

This instrument commences the day after signature.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Aviation Transport Security Act 2004, the AusCheck Act 2007, the AusCheck Regulations 2017, the Maritime Transport and Offshore Facilities Act 2003, the Migration Act 1958, the Migration Regulations 1994, the Security of Critical Infrastructure Act 2018, and the Telecommunications Act 1997.

4 Definitions

Note I:	A number of expressions used in this instrument are defined in in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations.
Note 2:	Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.
In this is	nstrument:
Acts I	nterpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.
APS 2 means an APS Level 2 classification under the Classification Rules.
APS 3 means an APS Level 3 classification under the Classification Rules.
APS 4 means an APS Level 4 classification under the Classification Rules.
APS 5 means an APS Level 5 classification under the Classification Rules.
APS 6 means an APS Level 6 classification under the Classification Rules.
APS 6 means an APS Level 6 classification under the Classification Rules.
ATS Act means the Aviation Transport Security Act 2004.
ATS Regulations means the Aviation Transport Security Regulations 2005.
AusCheck Act means the AusCheck Act 2007.
AusCheck Regulations means the AusCheck Regulations 2017.
Classification Rules means the Public Service Classification Rules 2000.

Security and Resilience Group (Secretary) Instrument 2019

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Security and Resilience Group means the Security and Resilience Group in the Department.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

MTOFS Act means the Maritime Transport and Offshore Facilities Security Act 2003.

MTOFS Regulations means the Maritime Transport and Offshore Facilities Security Regulations 2003.

Telecommunications Act means the Telecommunications Act 1997.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

SOCI Act means the Security of Critical Infrastructure Act 2018.

5 References to section or provision

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a legislative instrument (or subordinate part of a provision) in an item in the Schedules is a reference to the provision (or subordinate part of a provision) in the legislative instrument referred to in the heading immediately preceding that item.

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of a position at the level /classification indicated in column 3:

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

^{&#}x27;X' means the power indicated above is delegated.

^{&#}x27;AO' indicates that the person is an authorized officer for the power indicated

Part 2 - Delegations and Authorisations for Security and Resilience Group

1 Aviation Transport Security delegations

- (1) Under section 127 of the ATS Act, the powers specified in the provision mentioned in column 1 of an item in the tables in Schedules 1 and 2 are delegated to any person from time to time holding, occupying, or performing the duties of a position:
 - (a) in the Aviation and Maritime Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Security and Resilience Group at the classification level of SES3.
- (2) Under section 127 of the ATS Act, the powers and functions specified in the provision of the ATS Regulations, mentioned in column 1 of an item in Schedule 3, are delegated to any person from time to time holding, occupying, or performing the duties of a position:
 - (a) in the AusCheck Branch, Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Identity and Biometrics Division at the classification level of SES2; or
 - (c) in the Security and Resilience Group at the classification level of SES3.

2 Maritime Transport and Offshore Facilities Security delegations

- (1) Under section 202 of the MTOFS Act, the powers specified in the provision mentioned in column 1 of an item in the tables in Schedules 4 and 5 are delegated to any person from time to time holding, occupying, or performing the duties of a position:
 - (a) in the Aviation and Maritime Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Security and Resilience Group at the classification level of SES3.
- (2) Under section 202 of the MTOFS Act, the powers and functions specified in the provision of the MTOFS Regulations, mentioned in column 1 of an item in the table in Schedule 6, are delegated to any person from time to time holding, occupying, or performing the duties of a position:
 - (a) in the AusCheck Branch, Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Identity and Biometrics Division at the classification level of SES2; or

3 Telecommunications delegations

Under subclause 89(1) of Part 5 in Schedule 3A to the Telecommunications Act, the powers specified in the provision mentioned column 1 of an item in the table in Schedule 7, are delegated to any person from time to time holding, occupying, or performing the duties of a position:

- (a) in the Critical Infrastructure Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
- (b) in the Security and Resilience Group at the classification level of SES3.

4 Migration delegations

- (1) Under subsection 496(2) of the Migration Act, the powers and functions specified in the provisions mentioned in column 1 of an item in the table in Schedule 8, are delegated to any person from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers and functions specified in the provisions mentioned in column 1 of an item in the table in Schedule 8, are delegated to any officer from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.

5 Migration authorisations

- (1) Under the definition of *authorised officer* in subsection 5(1) of the Migration Act, any officer from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "AO" in column 3 of an item in the table in Schedule 8, is authorised for the purposes of the provision mentioned in column 1 for that item.
- (2) Under the definition of *authorised officer* in regulation 1.03 of the Migration Regulations, any officer from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "AO" in column 3 of an item in the table in Schedule 8, is authorised for the purposes of the provision mentioned in column 1 for that item.

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of a position at the level /classification indicated in column 3:

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

^{&#}x27;X' means the power indicated above is delegated.

^{&#}x27;AO' indicates that the person is an authorized officer for the power indicated

6 Critical infrastructure delegations

Under section 59 of the SOCI Act, the powers specified in the provision mentioned in column 1 of an item in the table in Schedule 9, are delegated to any person from time to time holding, occupying or performing the duties of a position:

- (a) in the following work areas of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item:
 - the Maritime, Training and Card Security Branch of the Aviation and Maritime Security Division of the Security and Resilience Group;
 - (ii) the Critical Infrastructure Centre of the Critical Infrastructure Security Division of the Security and Resilience Group;
 - (iii) the Crisis Management Branch of the Emergency Management Australia Division of the Security and Resilience Group;
- (b) in the Aviation and Maritime Security Division or in the Critical Infrastructure Security Division or in the Emergency Management Australia Division of the Security and Resilience Group at the classification level of SES2; or
- (c) in the Security and Resilience Group at the classification level of SES3.

7 AusCheck delegations

Under section 12 of the AusCheck Act, the powers and functions in the provision specified in column 1 of an item in the table in Schedule 10, are delegated to any person from time to time holding, occupying, or performing the duties of a position:

- (a) in the AusCheck Branch, Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
- (b) in the Identity and Biometrics Division at the classification level of SES2; or
- (c) in the Security and Resilience Group at the classification level of SES3.

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of a position at the level /classification indicated in column 3:

For persons holding, occupying or performing the duties

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Part 3 - Repeal

1 Security and Resilience Group (Secretary) Instrument 2019 (LIN 19/027)

According to section 33(3) of the Legislation Act 2003, the instrument Security and Resilience Group (Secretary) Instrument 2019 (LIN 19/027), signed 30 June 2019, is repealed .

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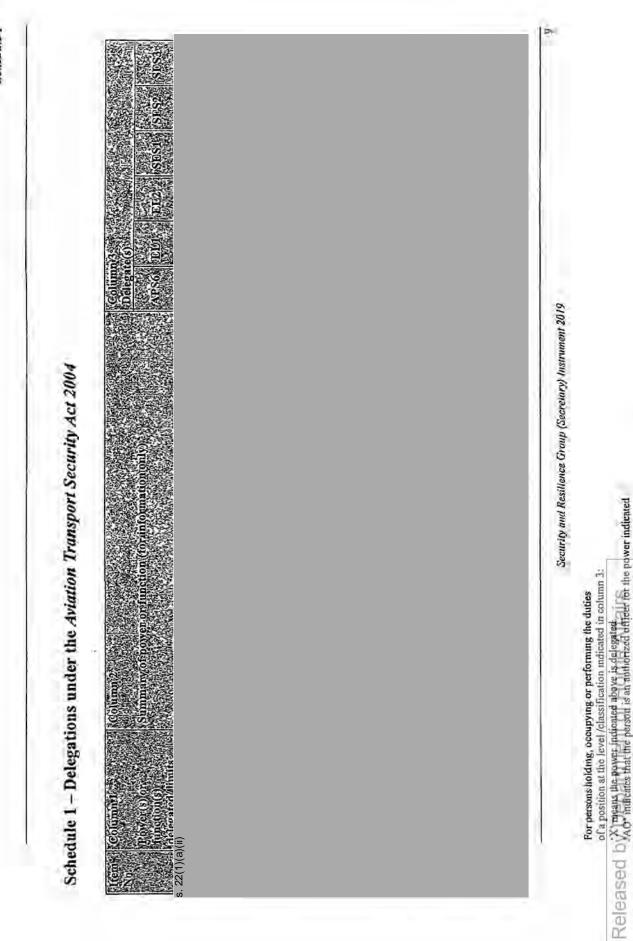
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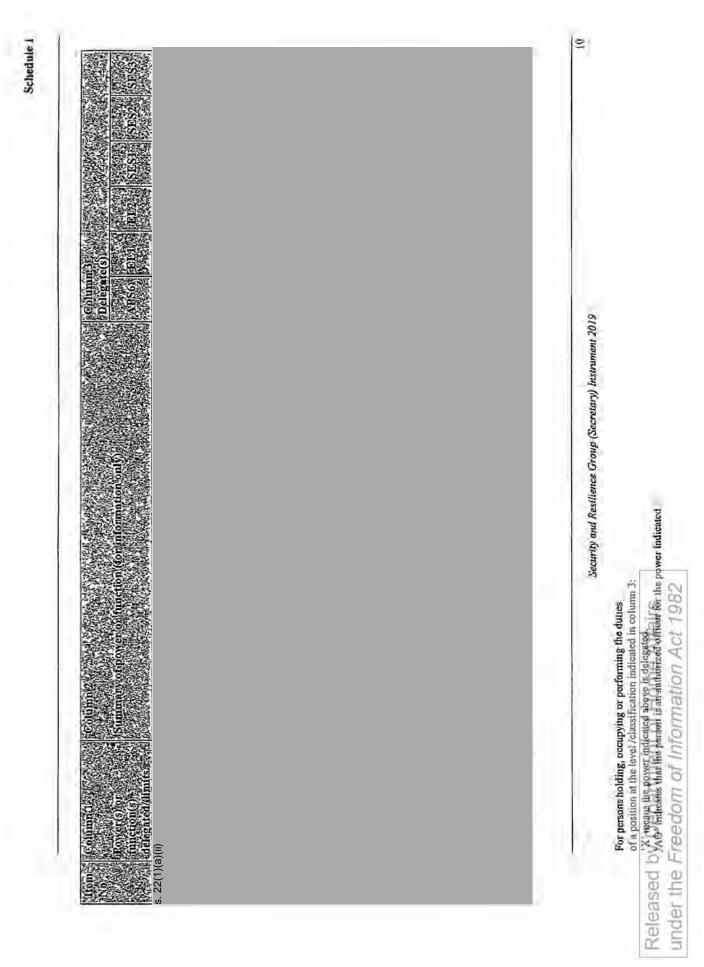
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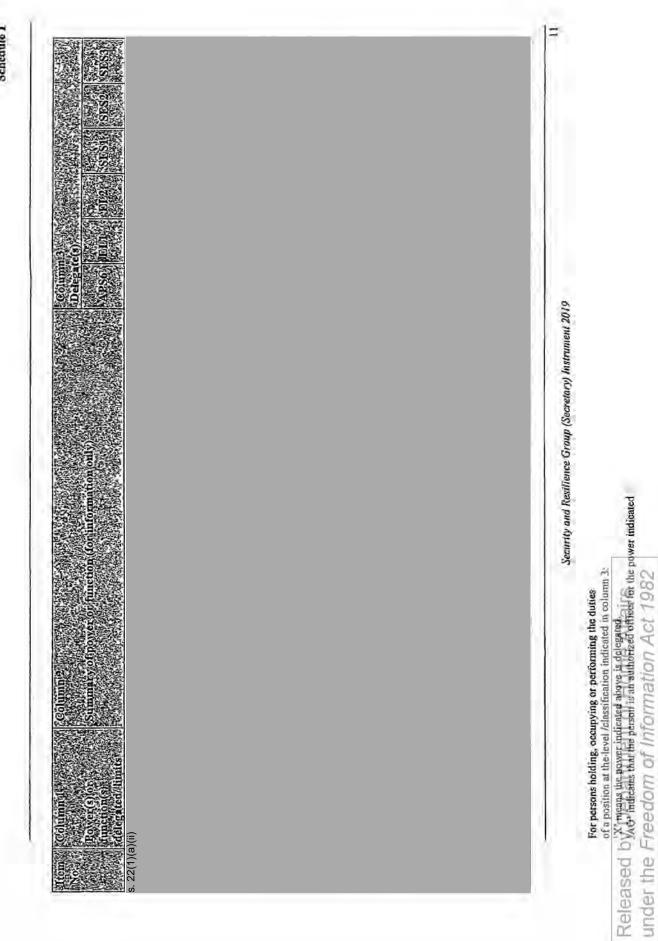
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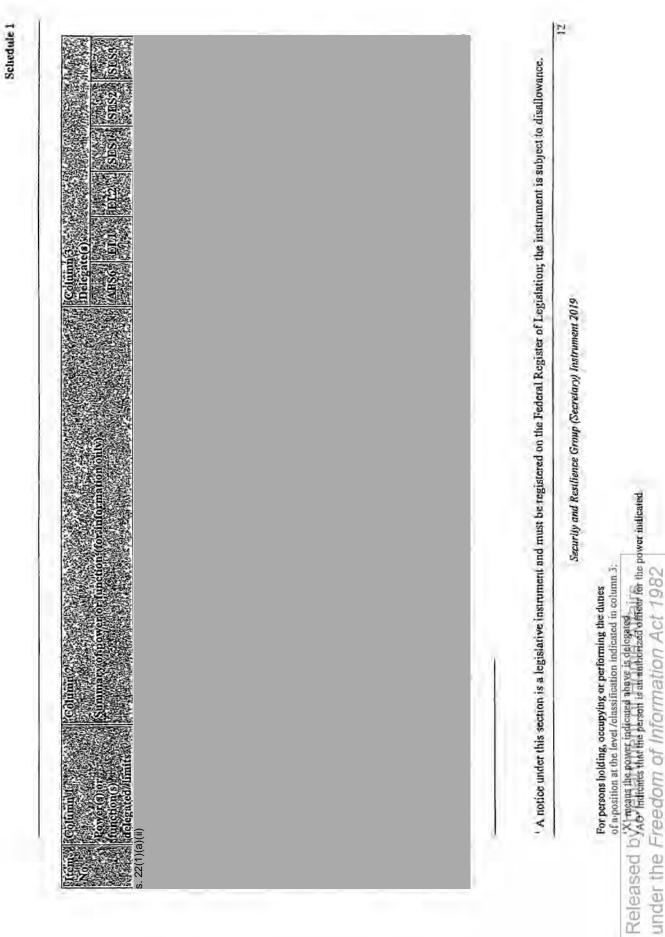


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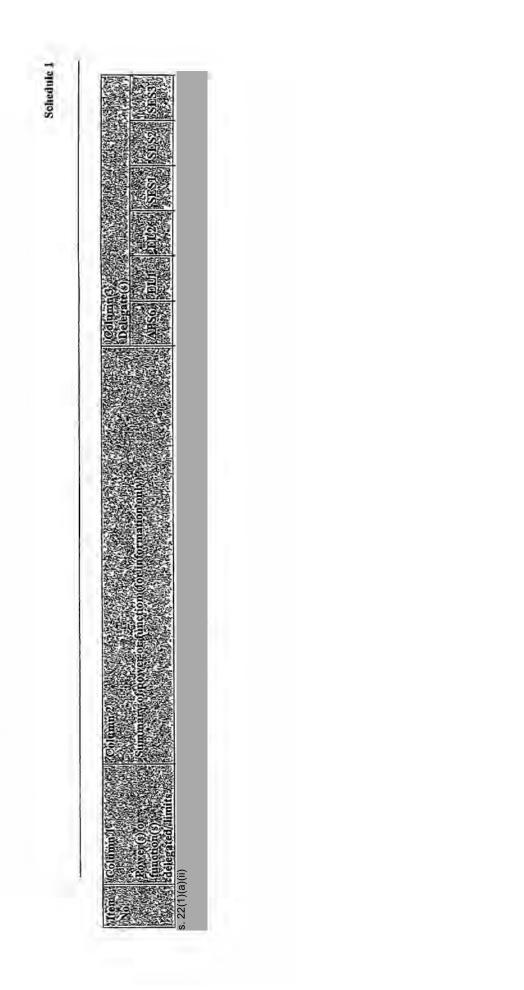




Schedule 1



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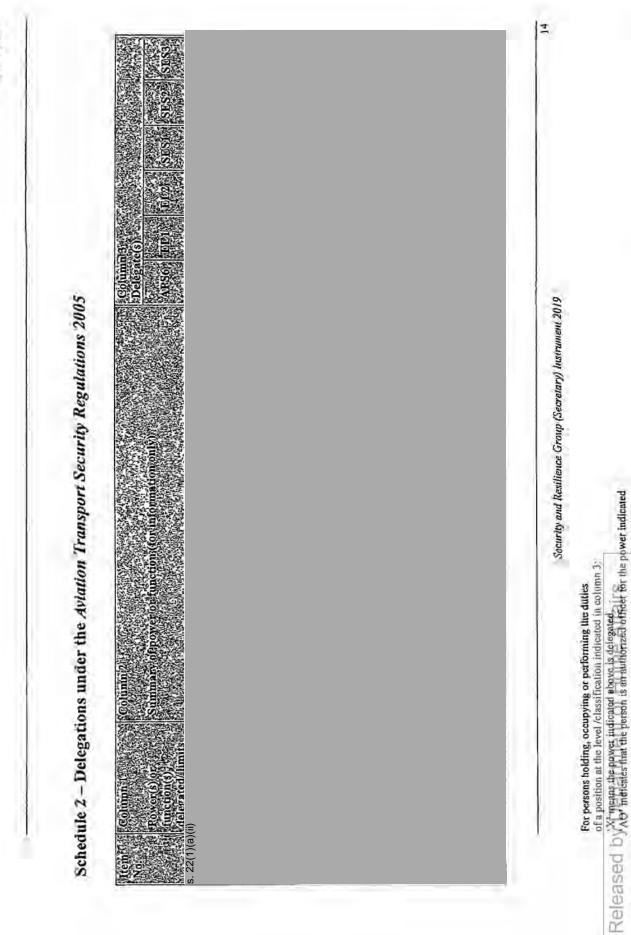
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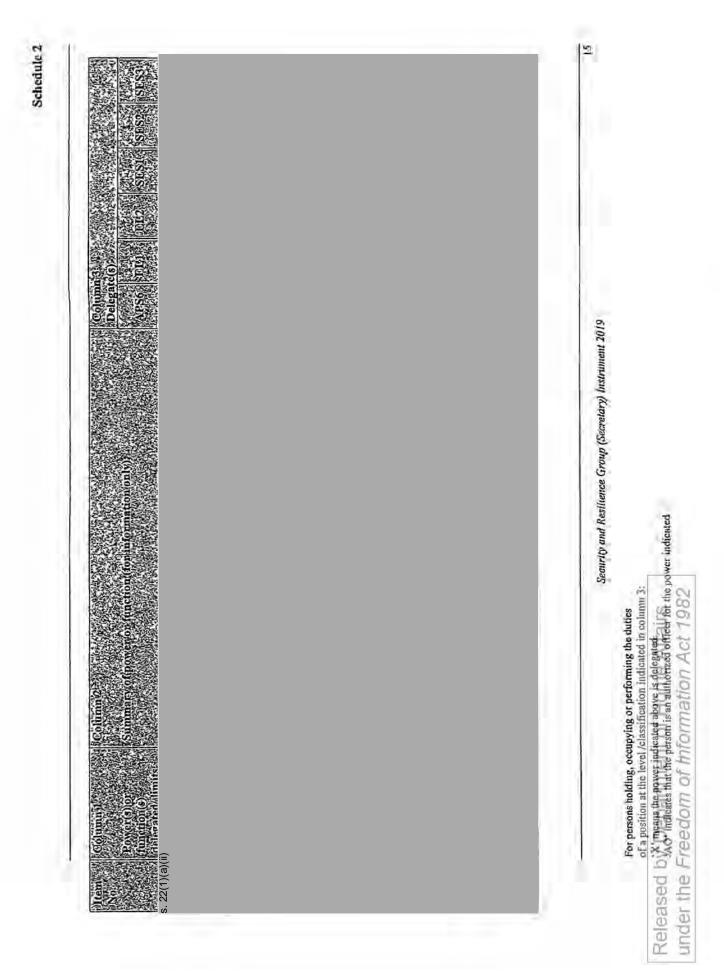
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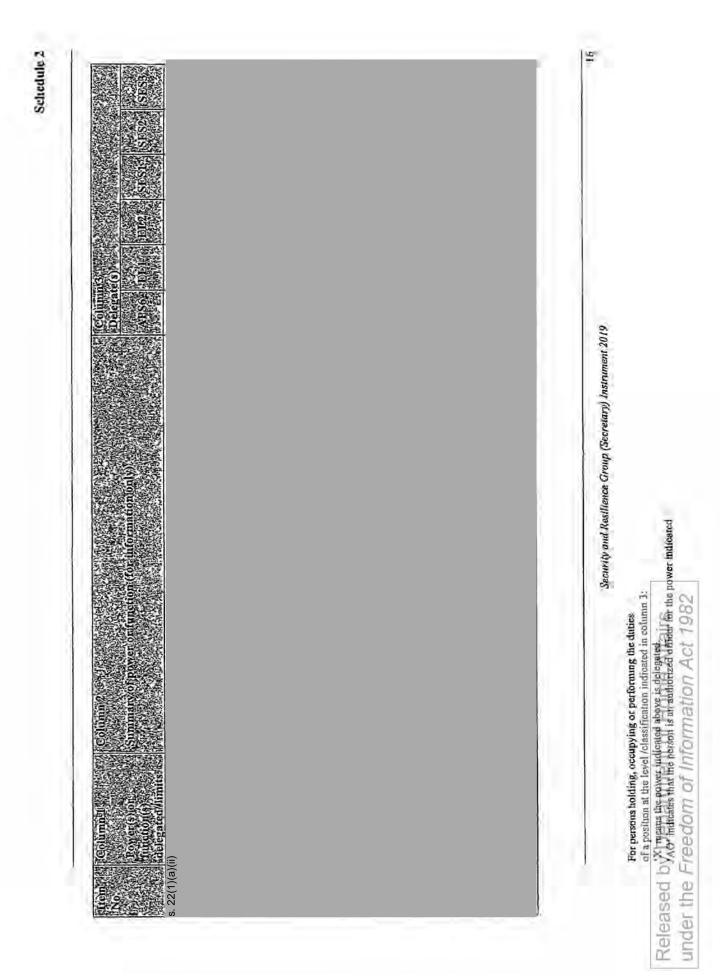
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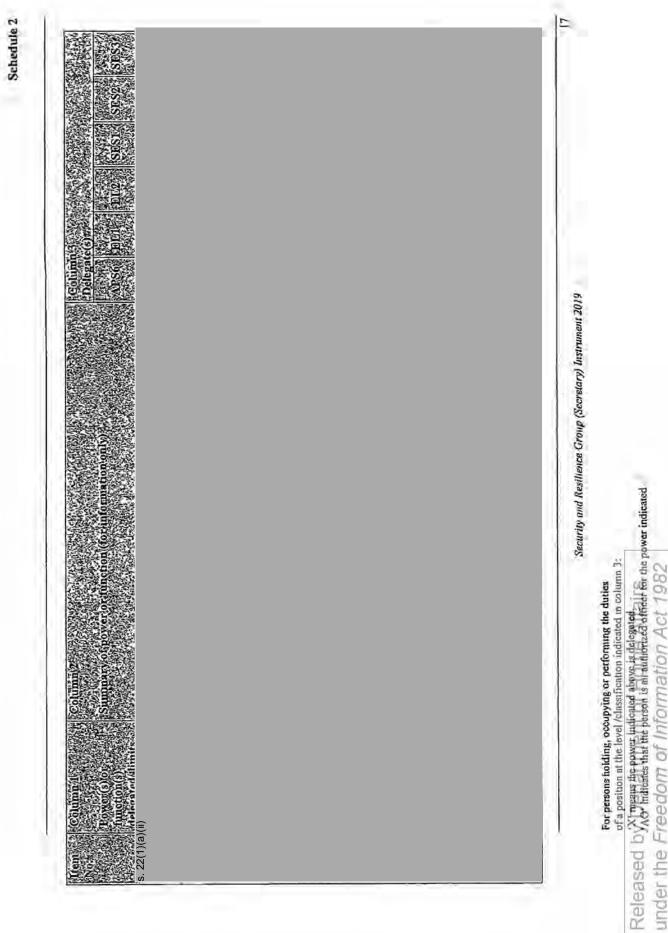


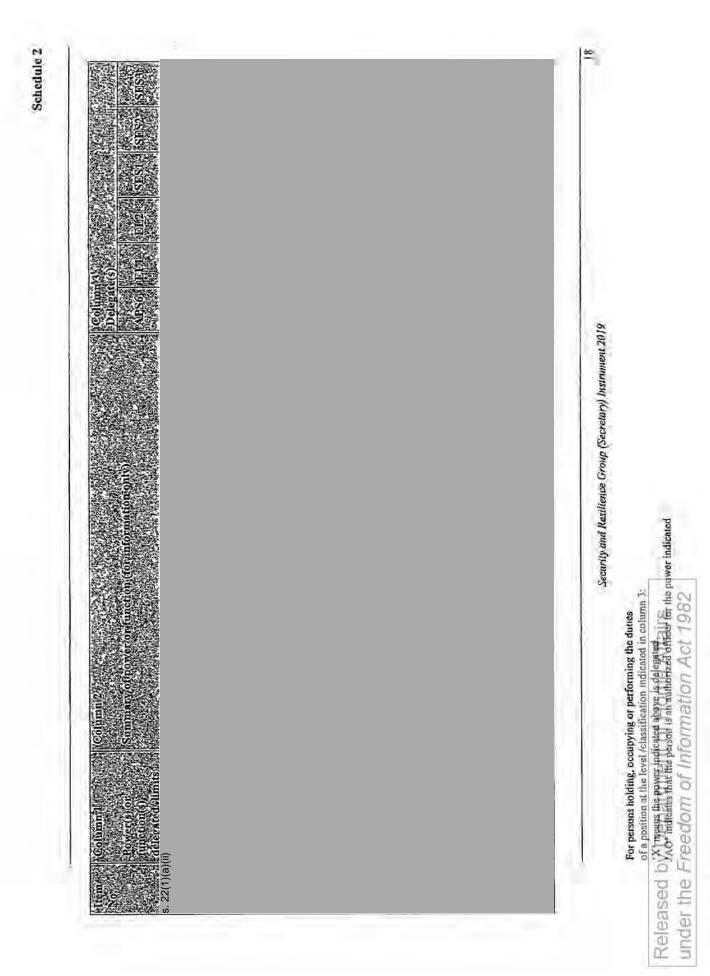


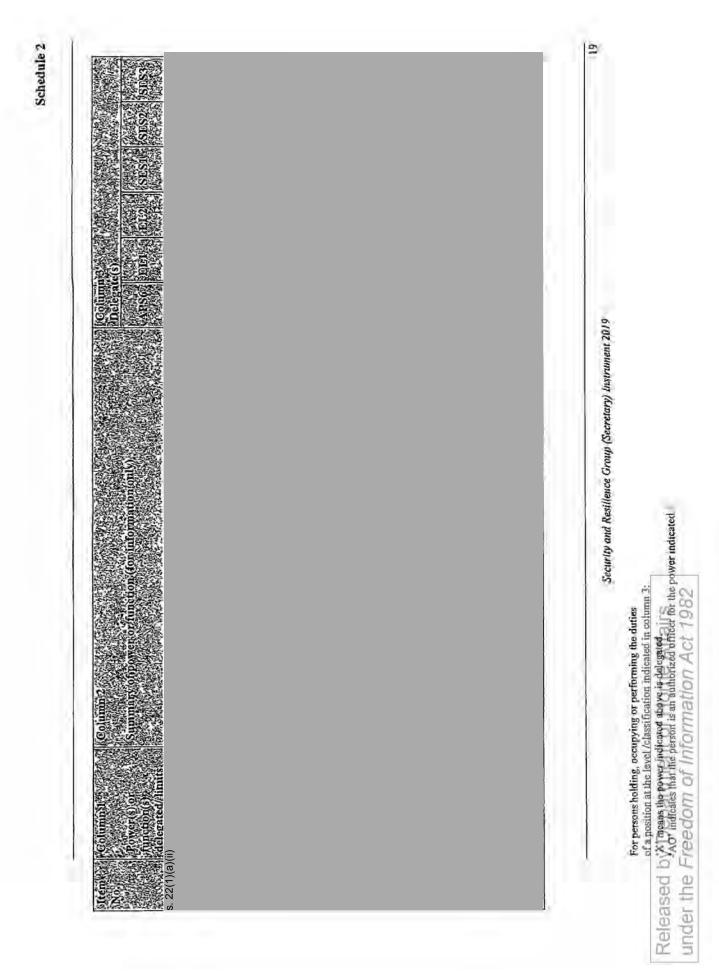
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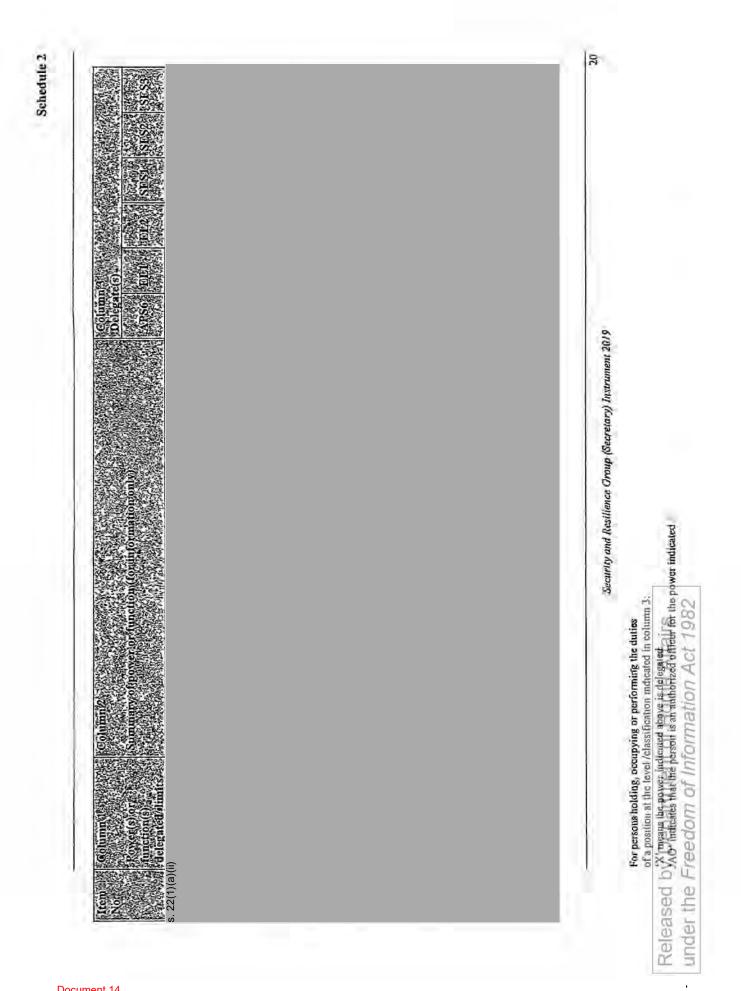


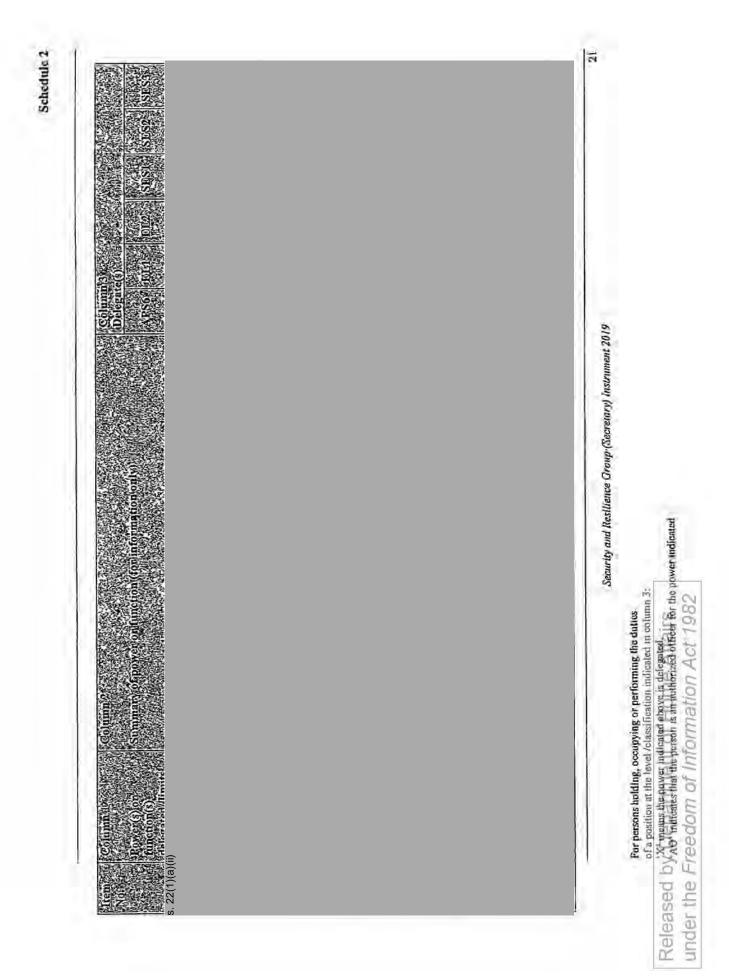


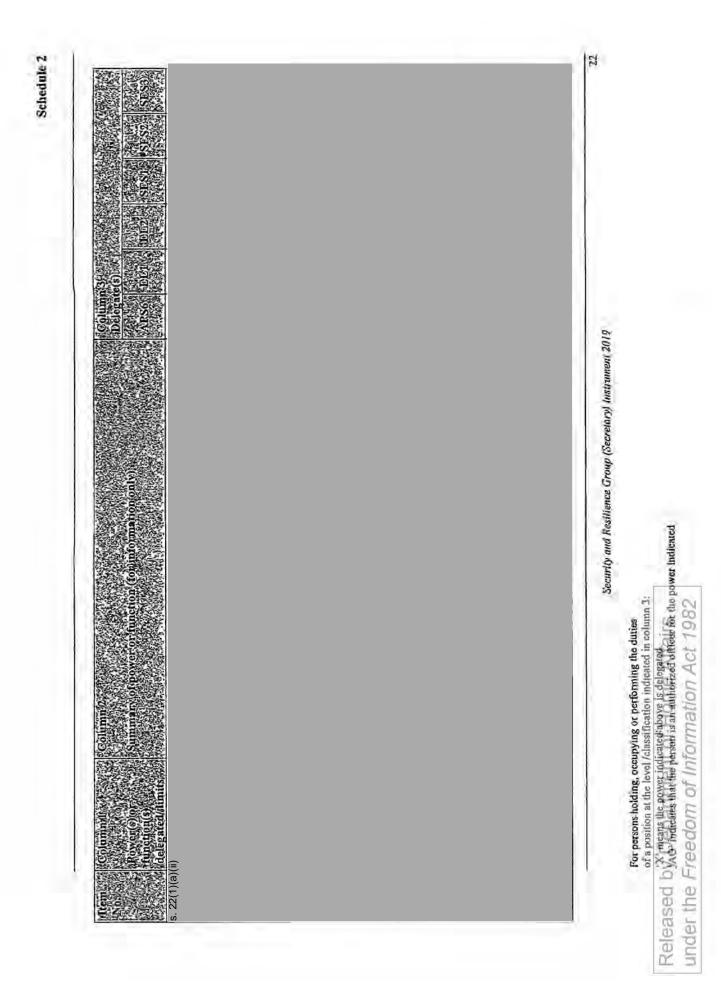


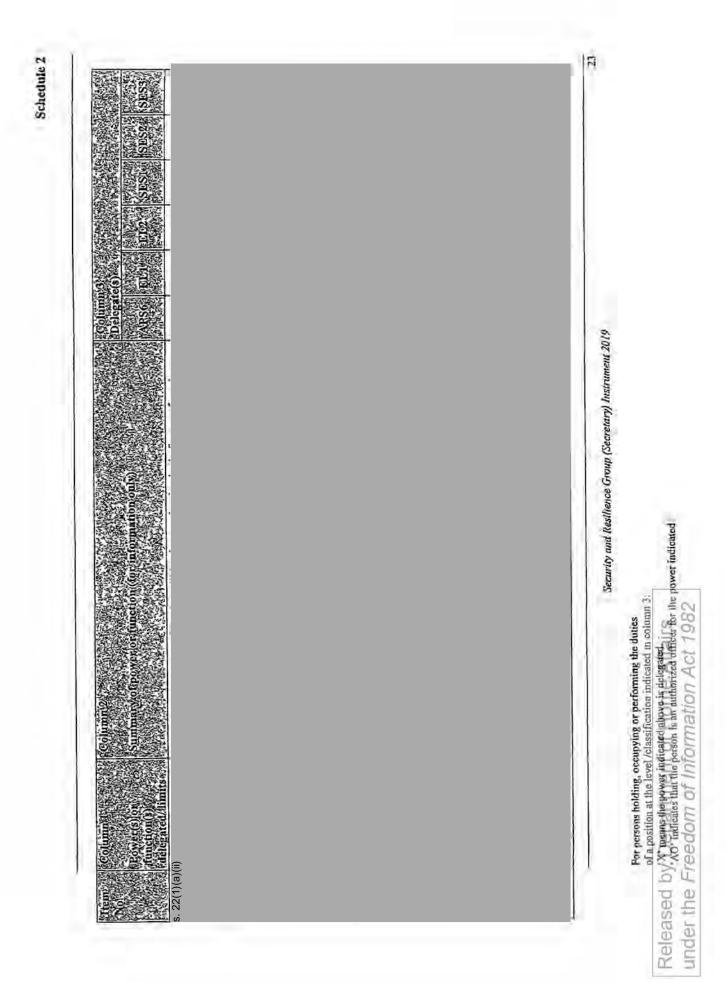


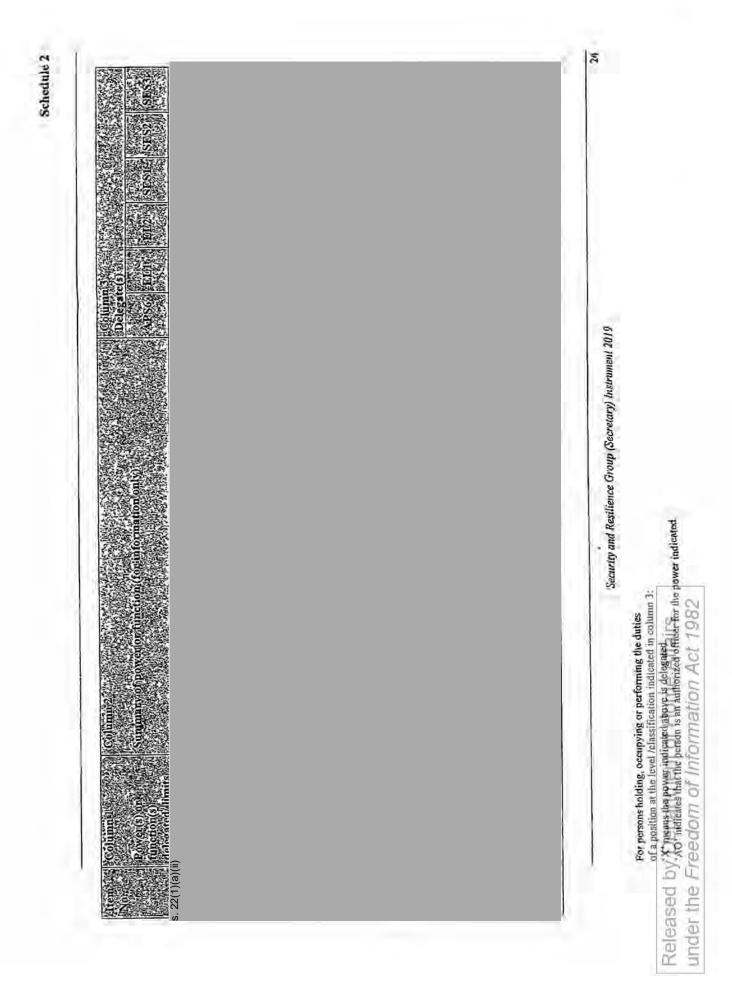


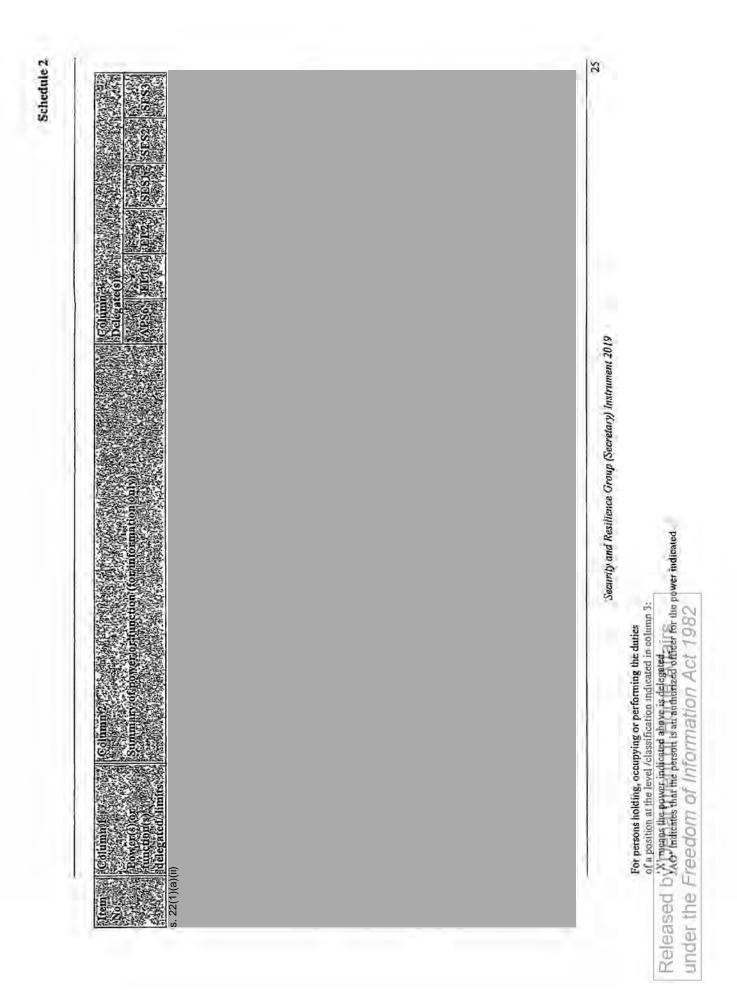


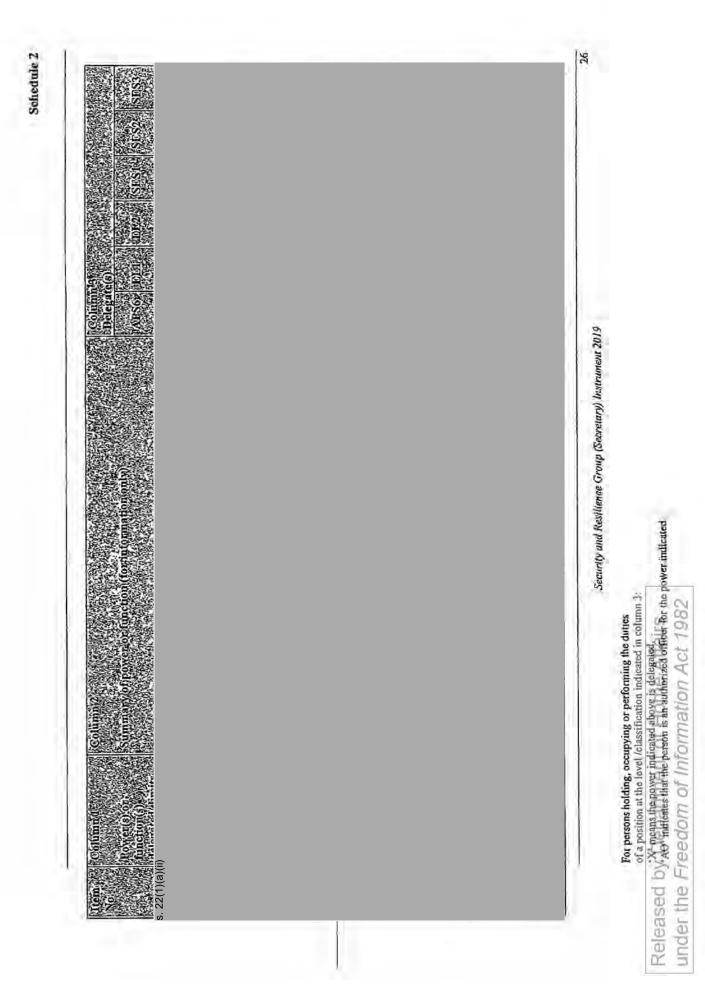


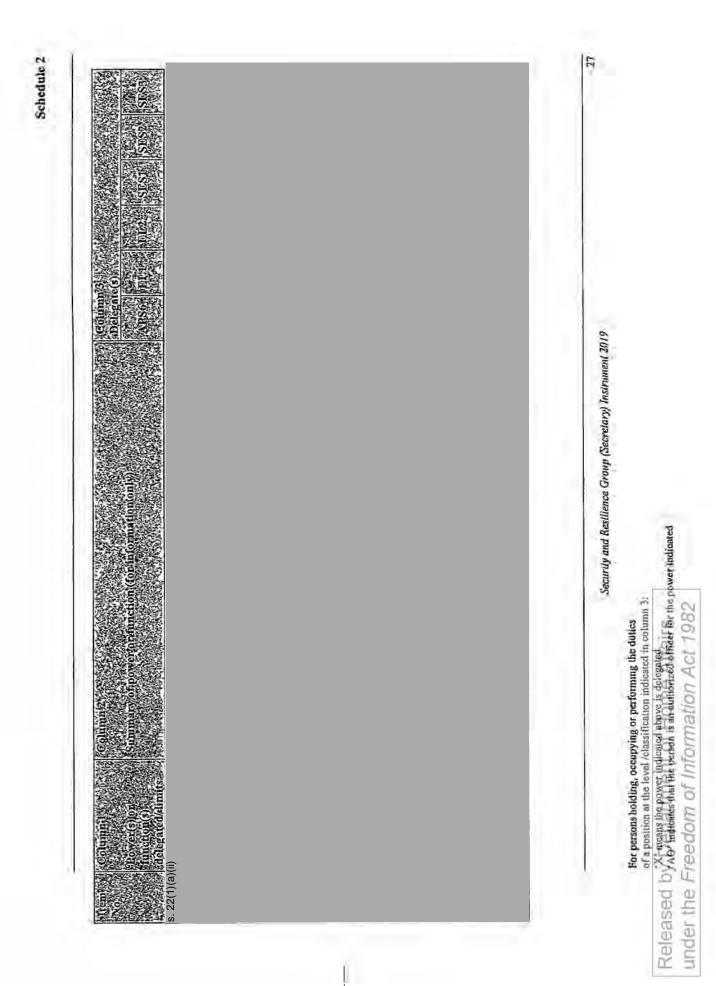




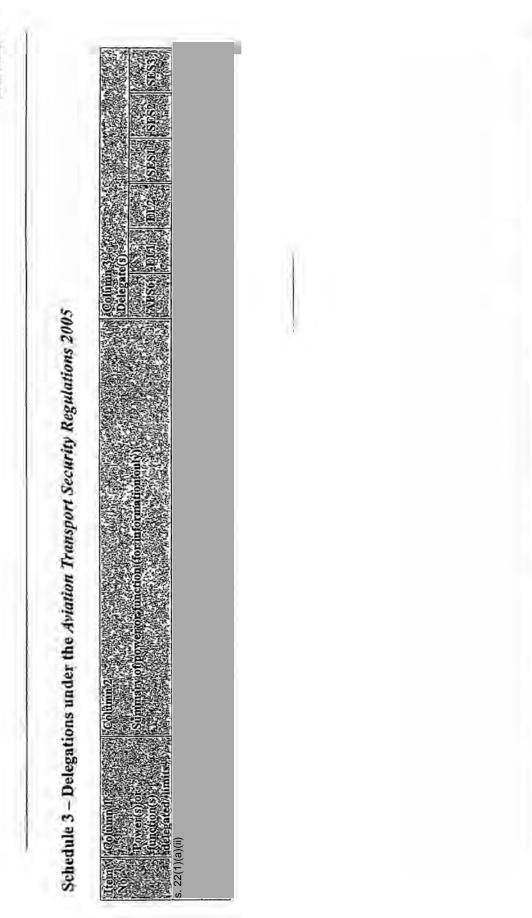












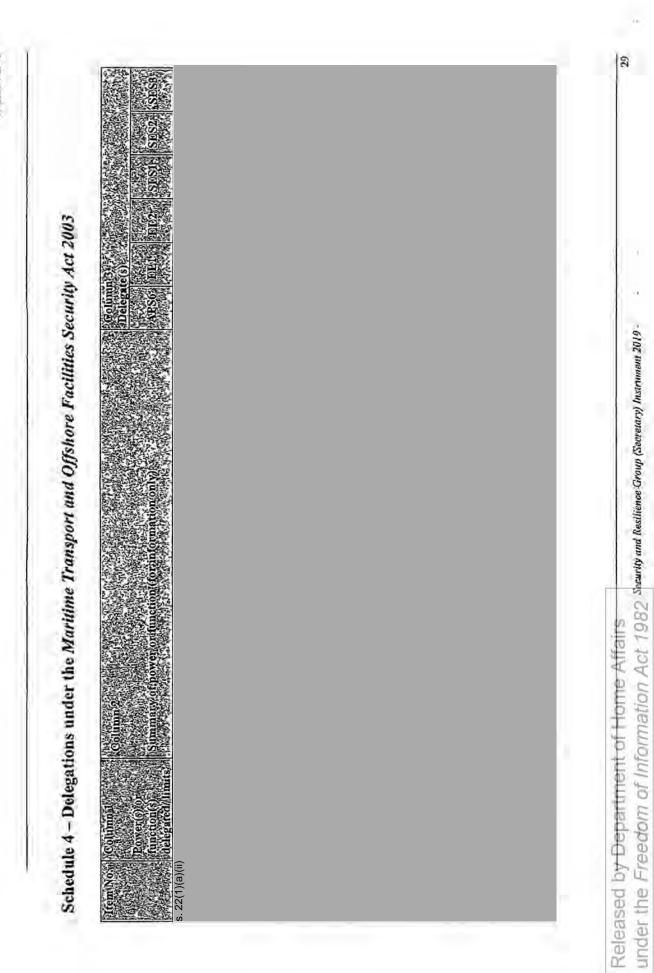
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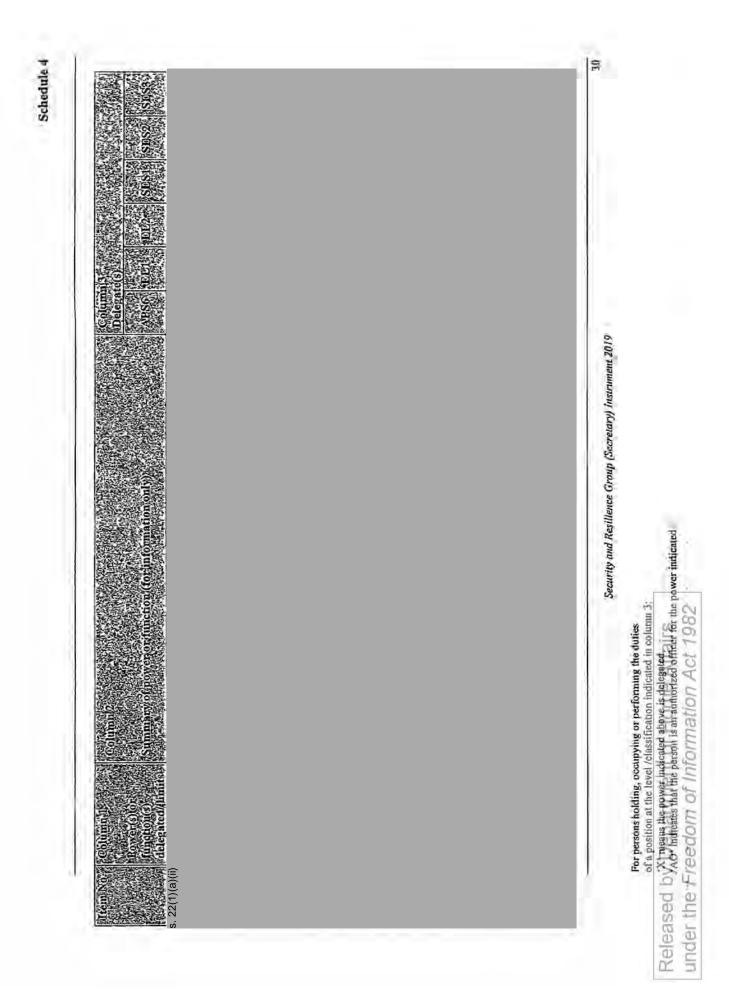
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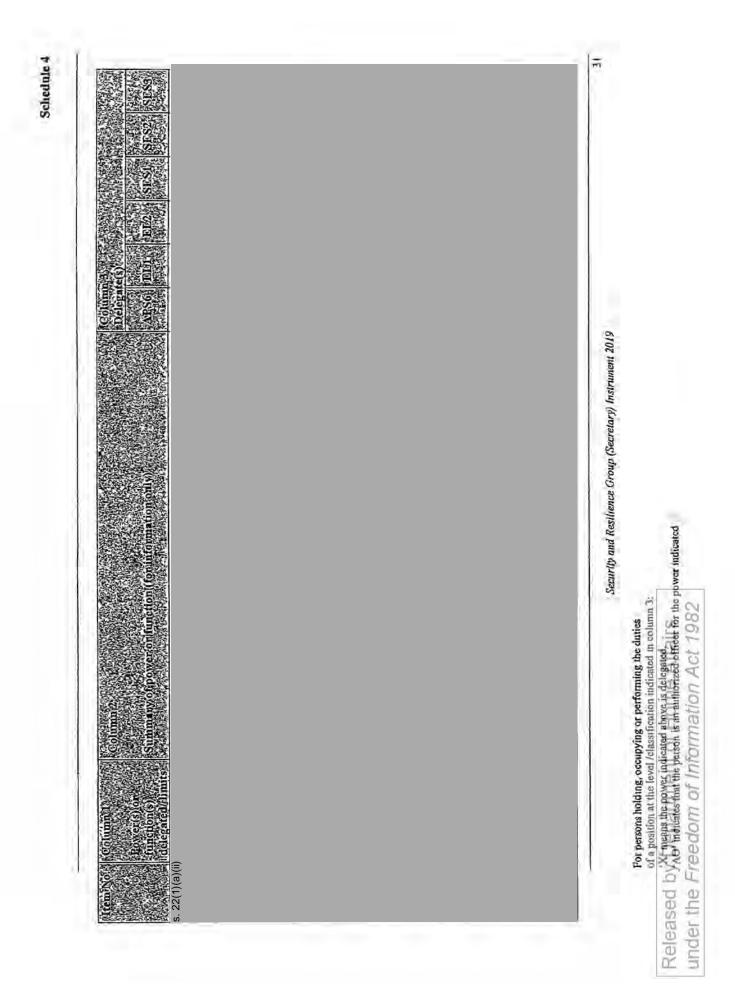
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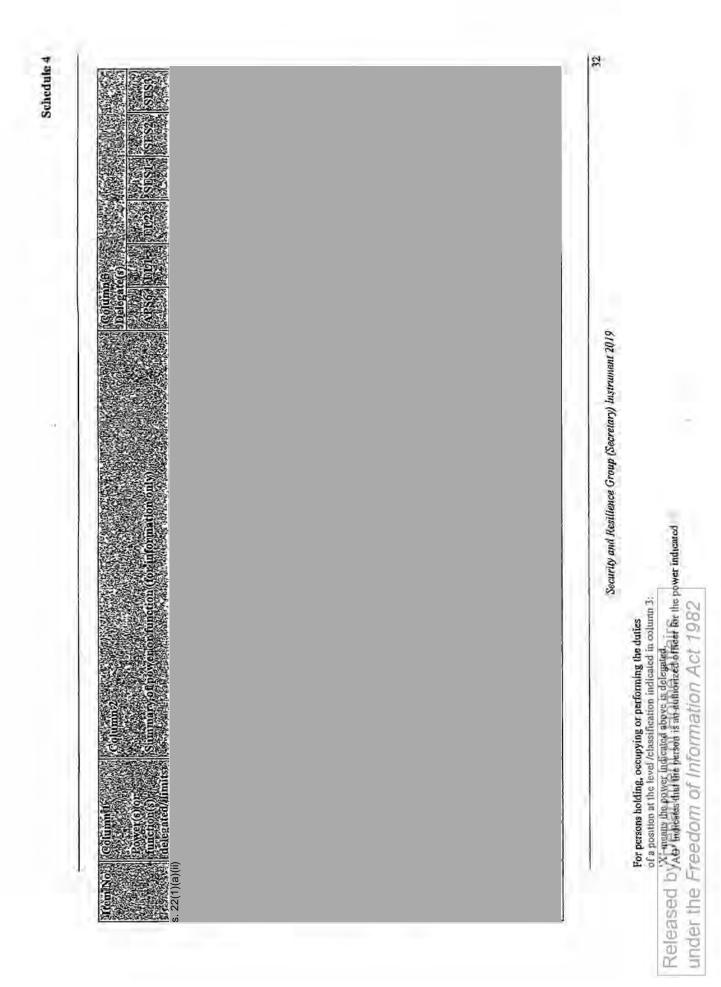
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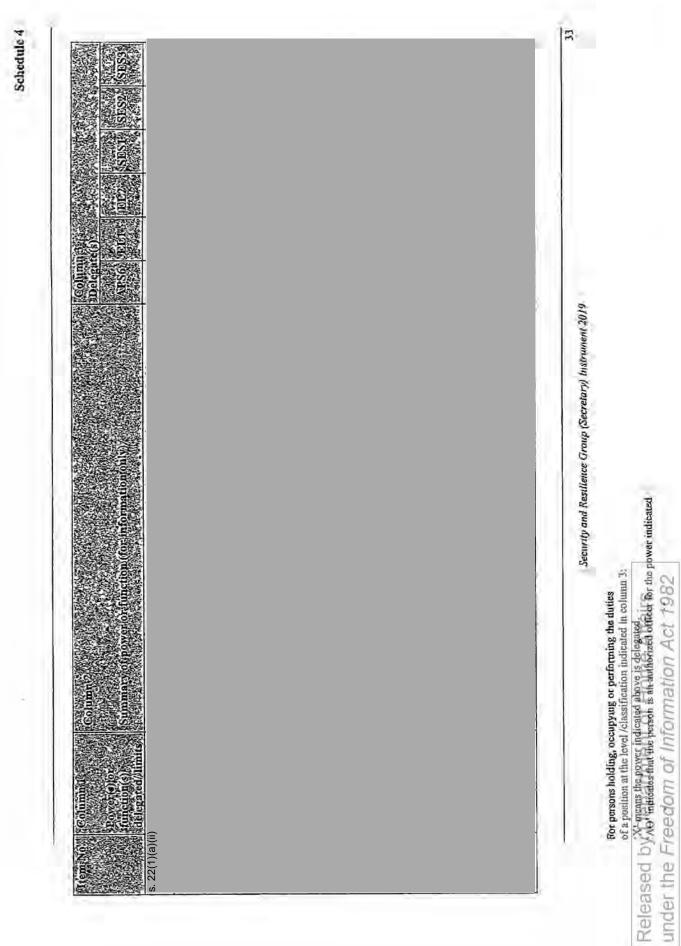
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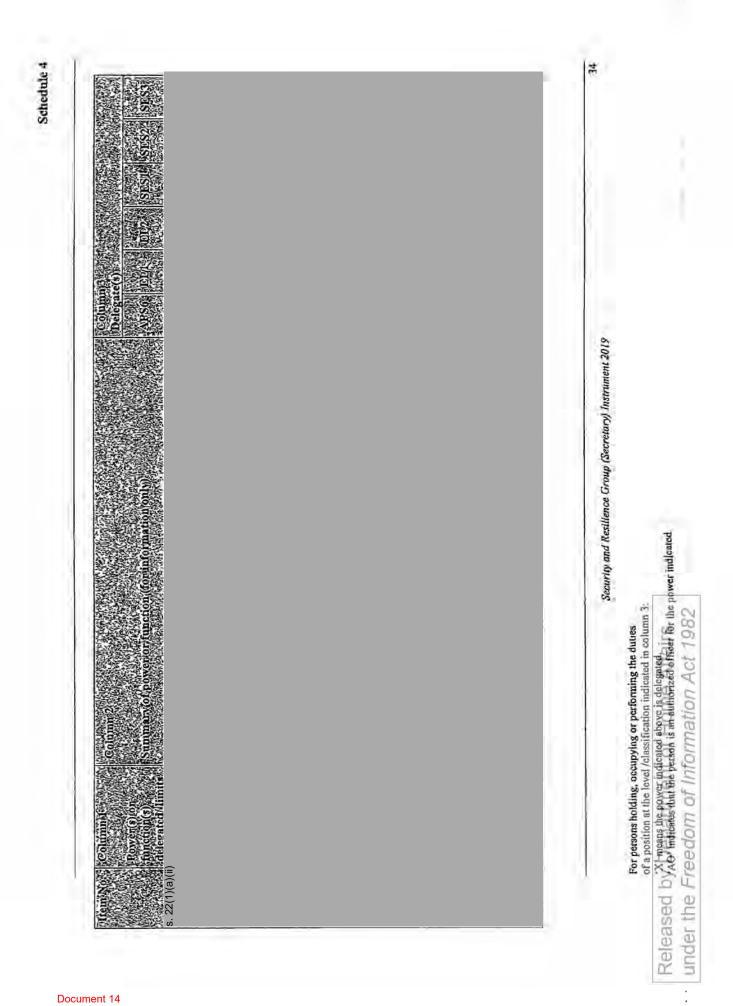


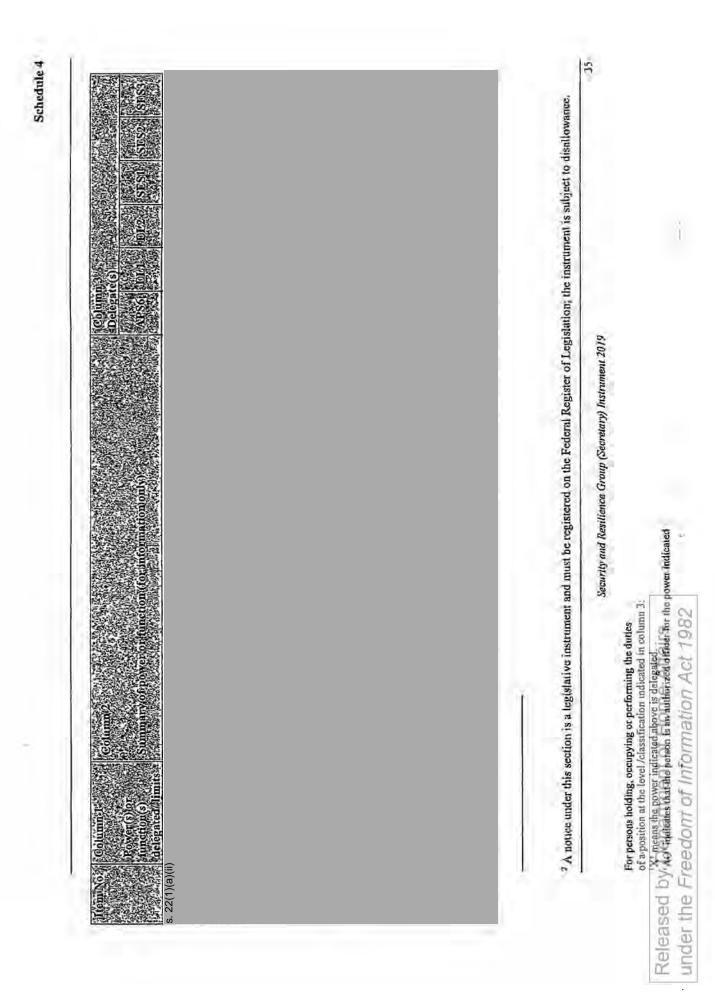


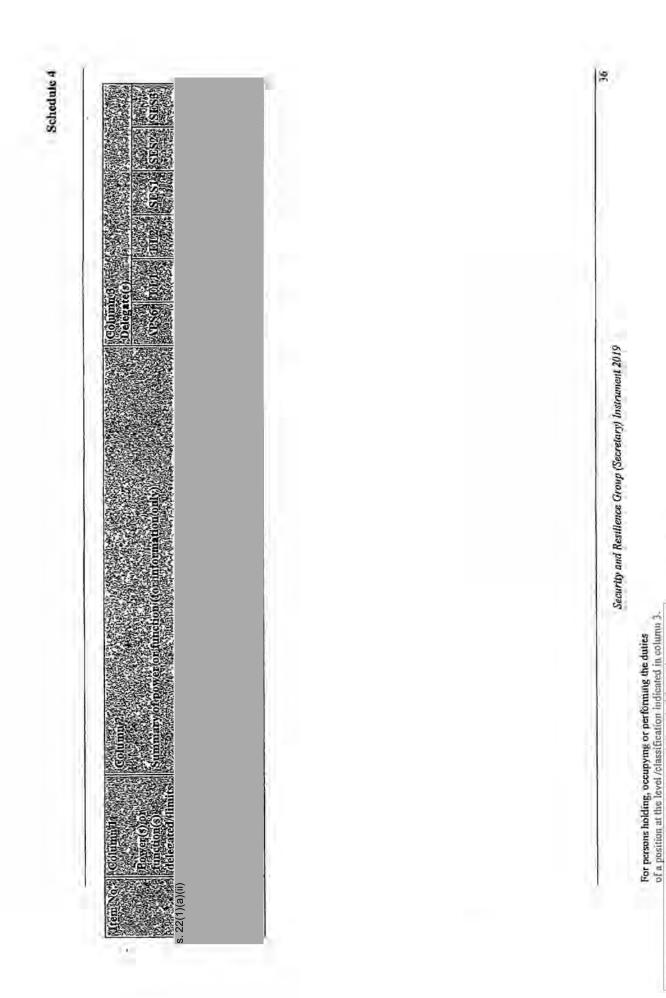




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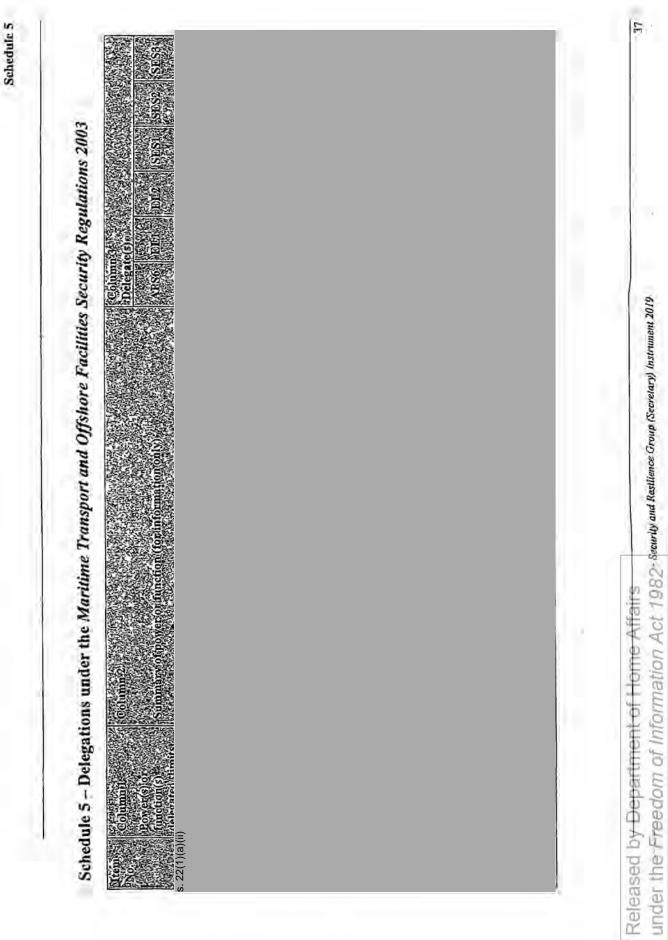


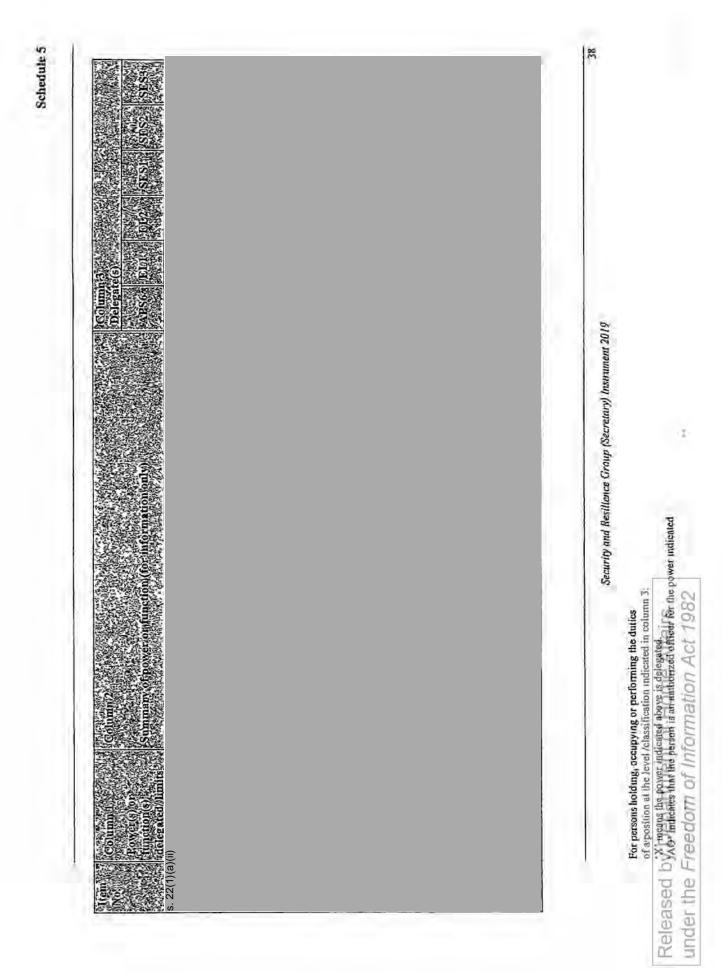
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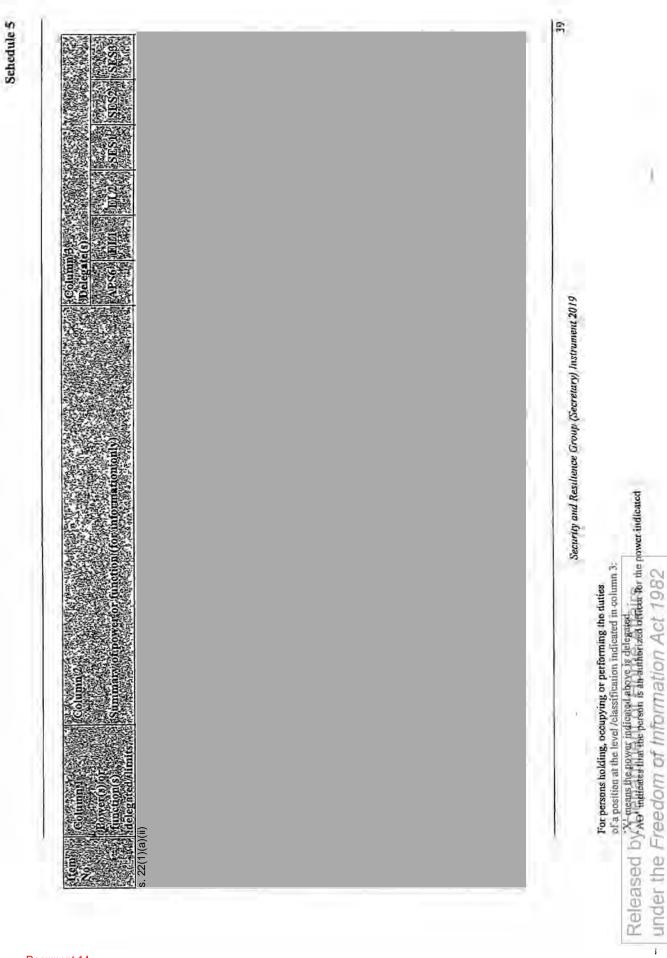
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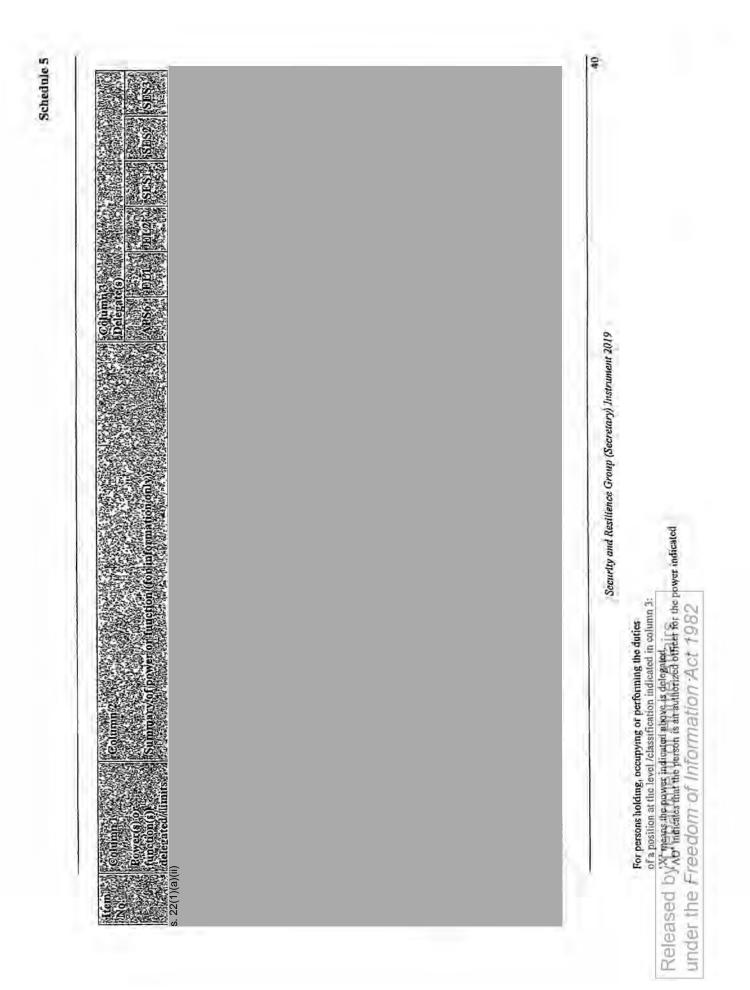




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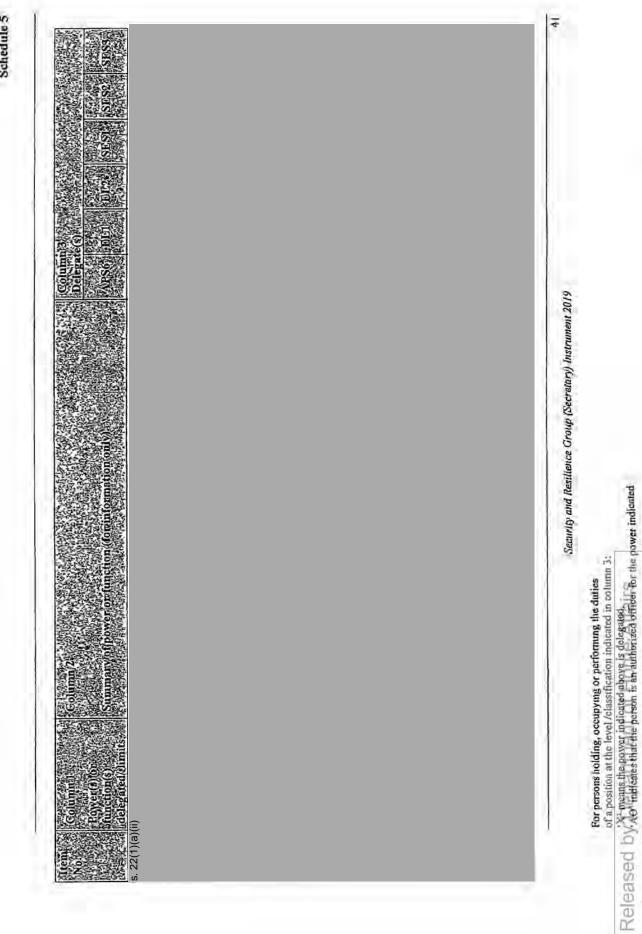


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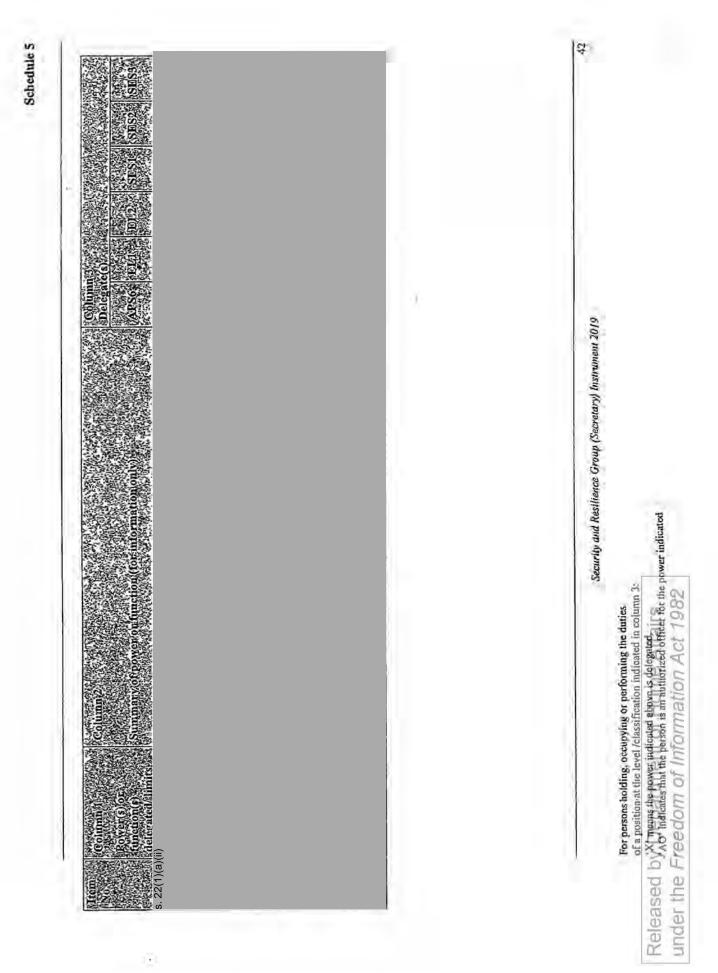


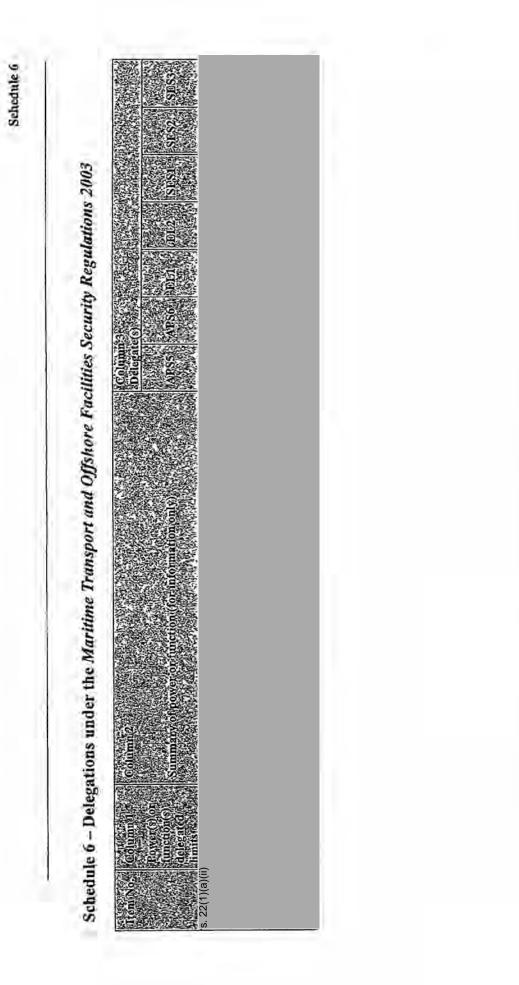
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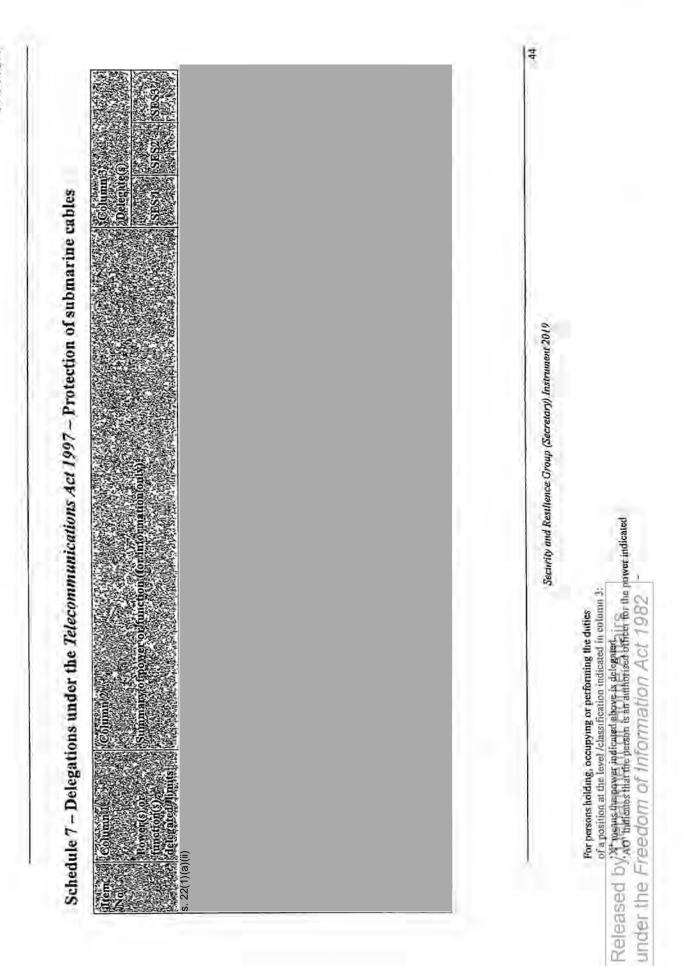


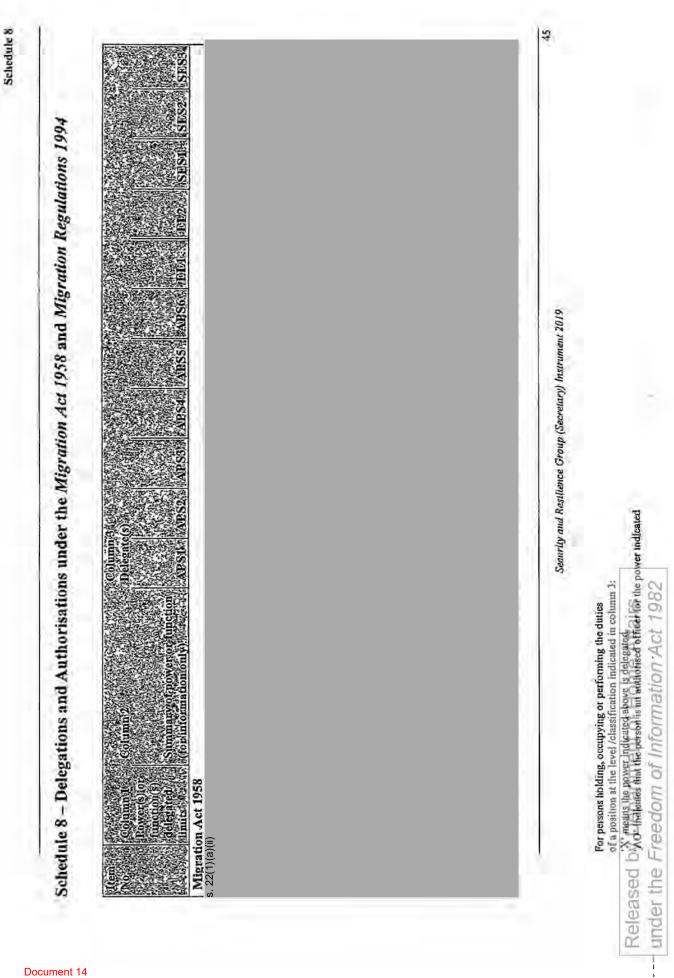


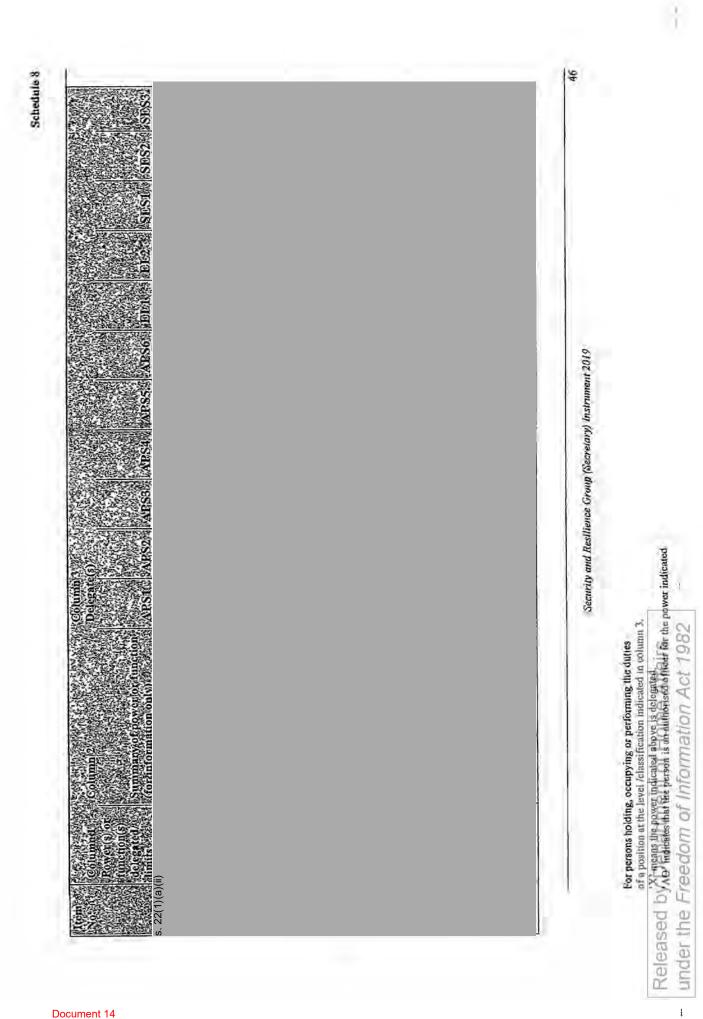
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Security and Resilience Group (Secretary) Instrument 2019

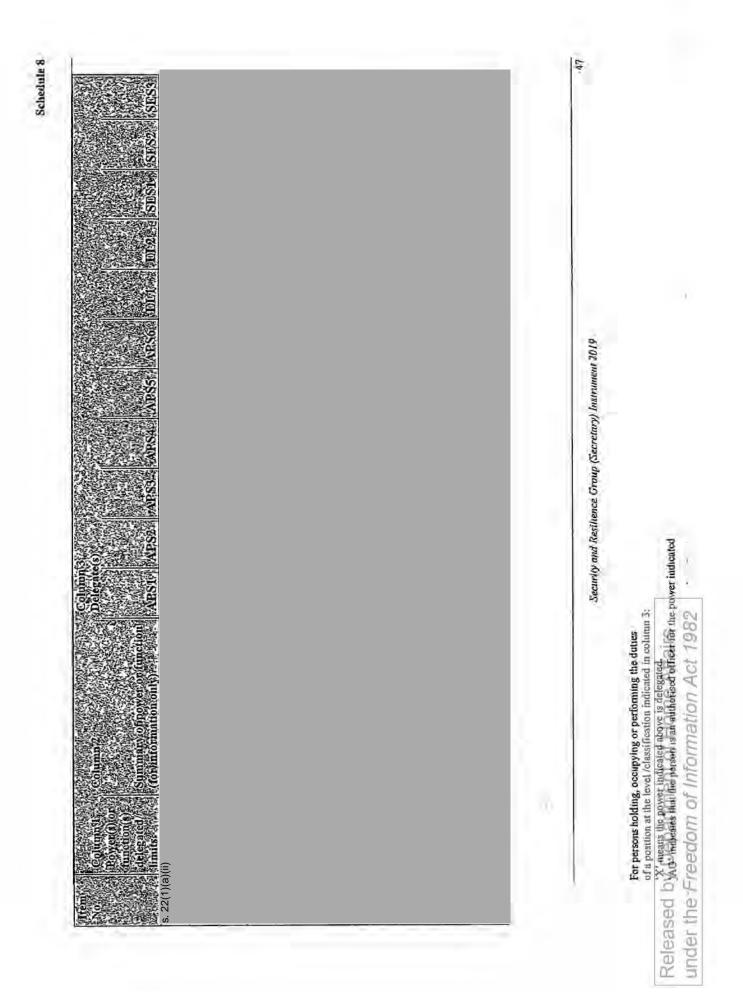


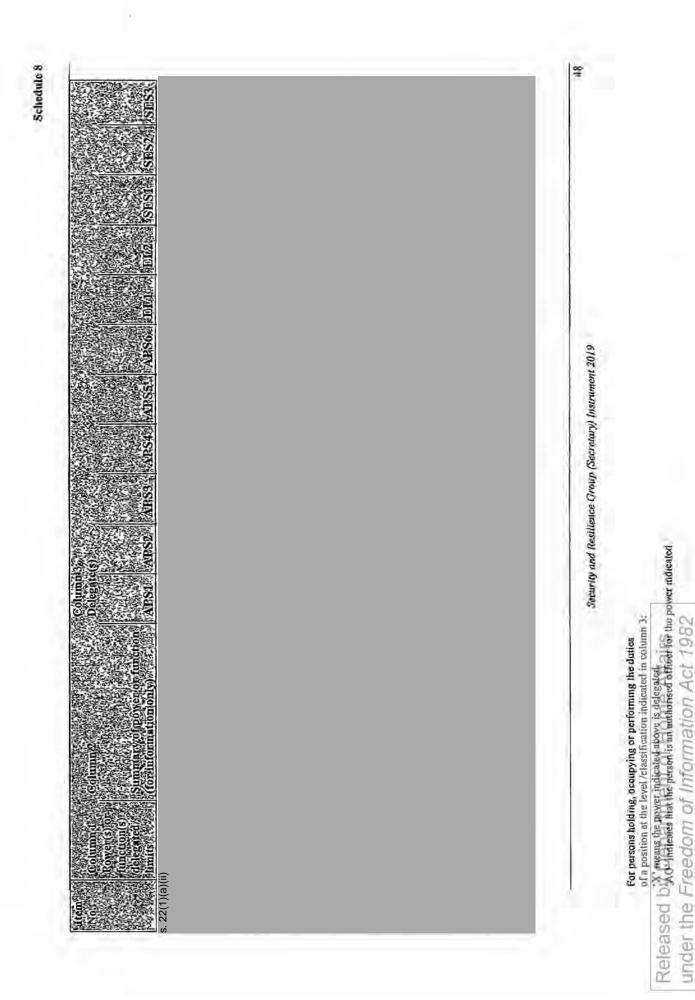




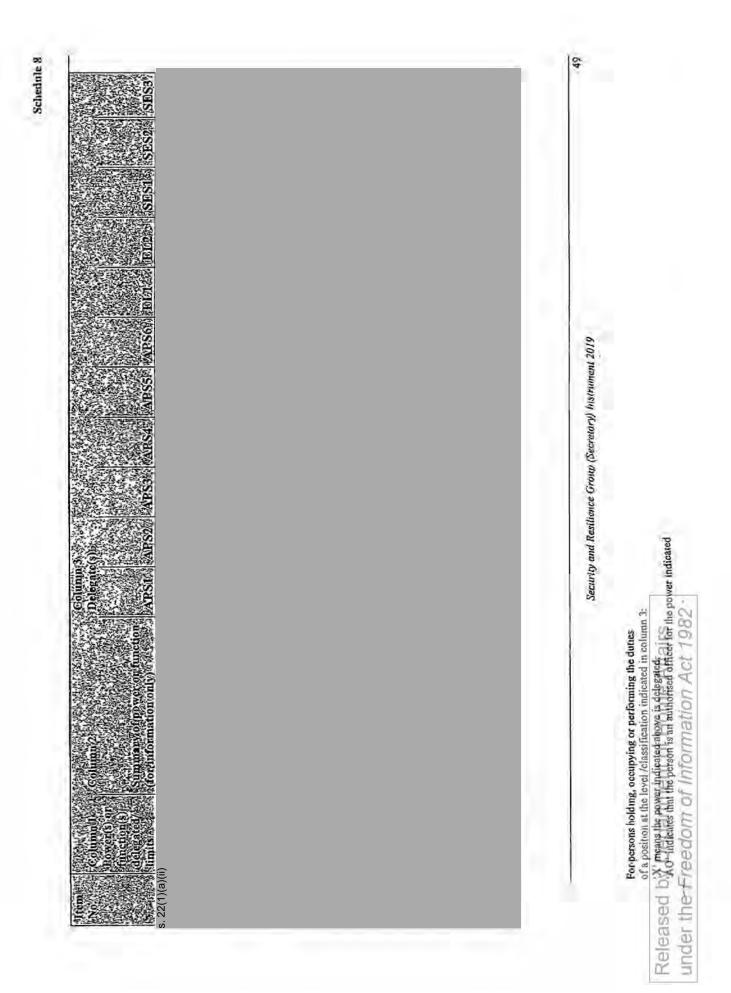


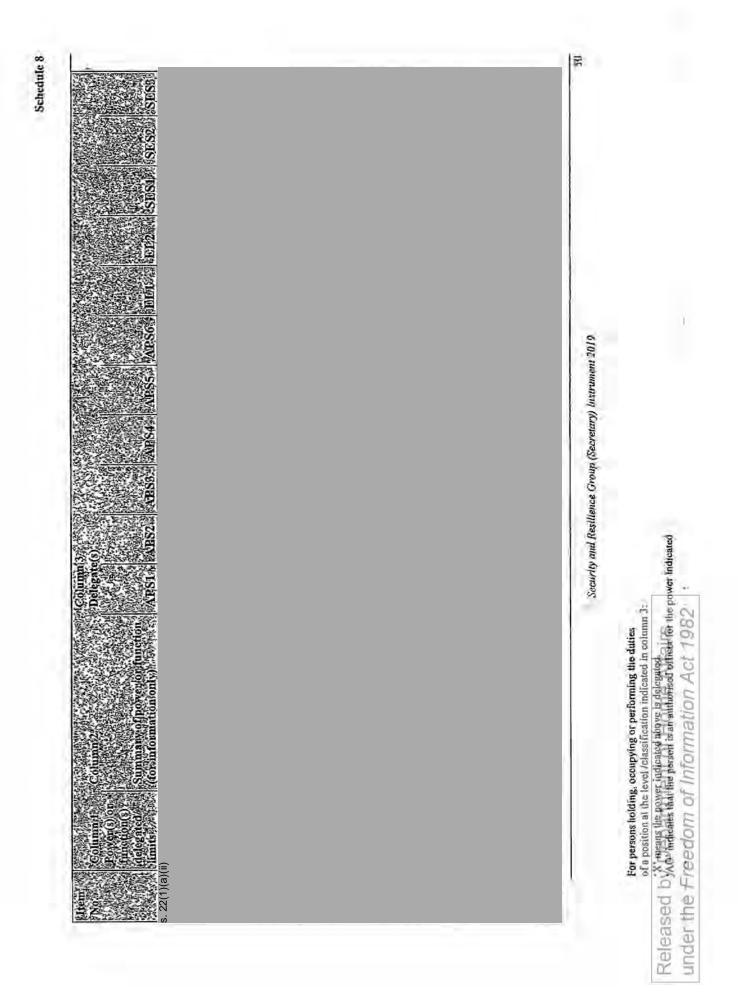
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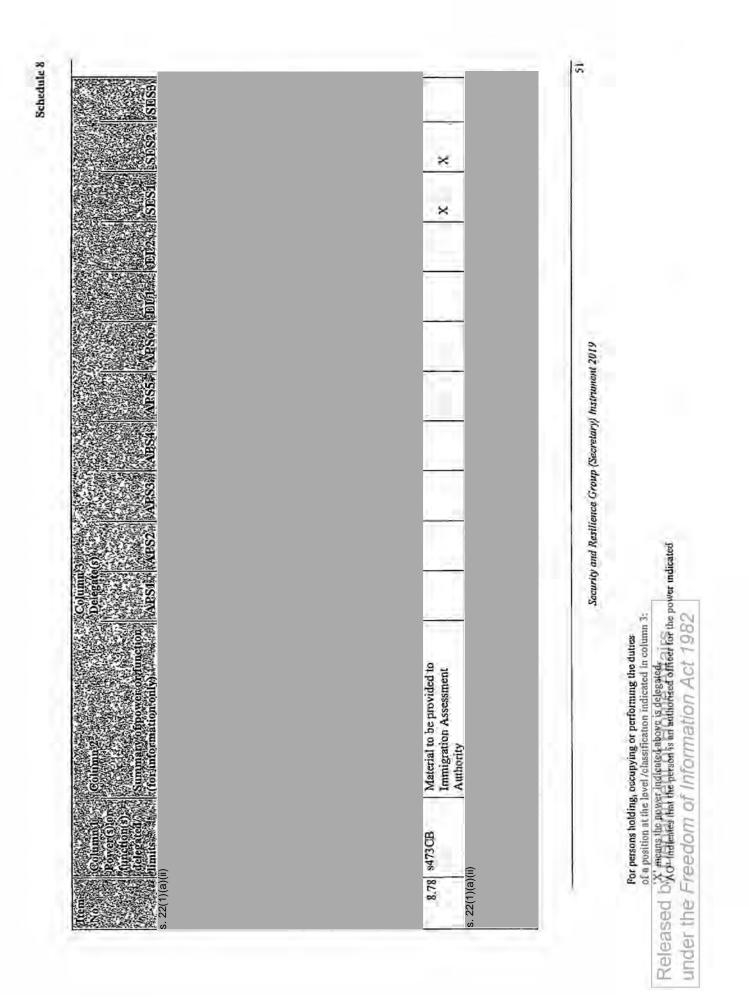


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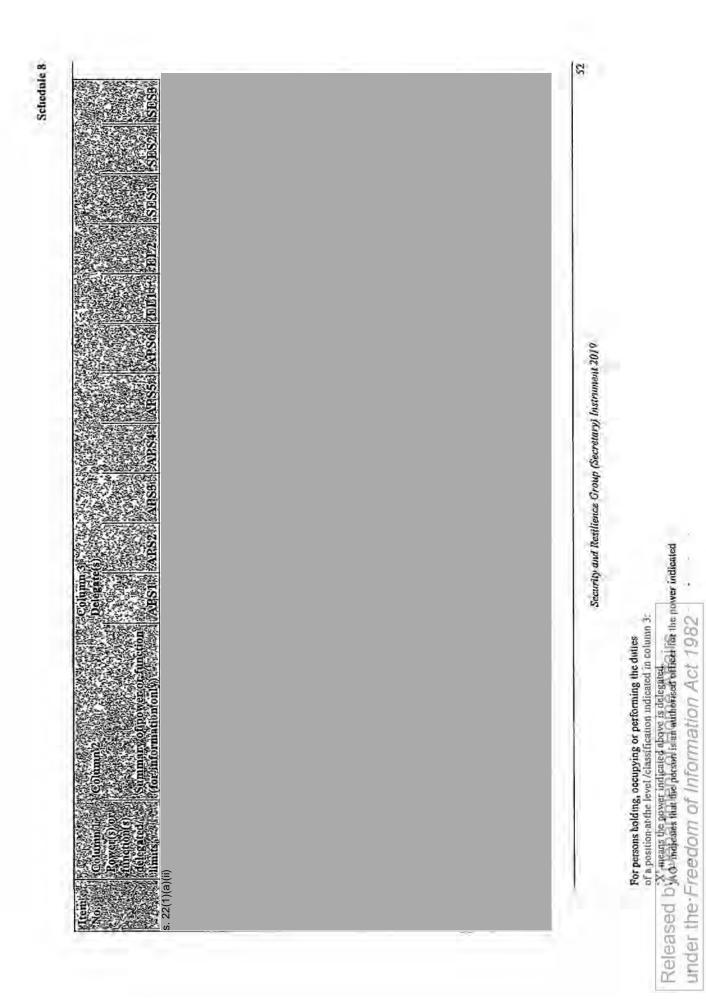


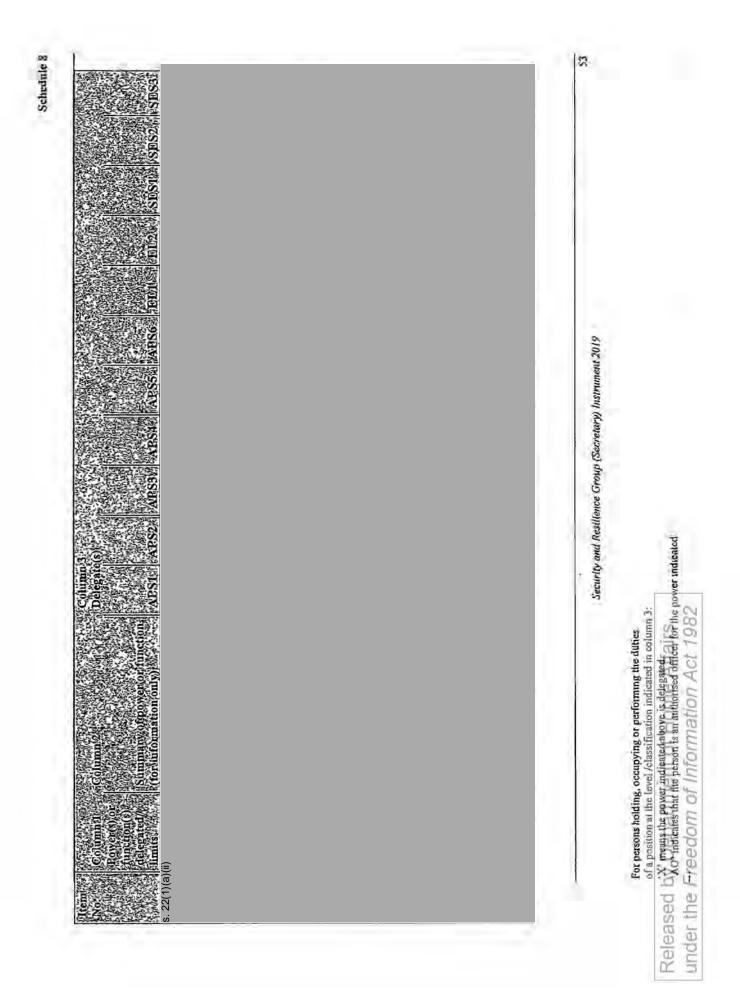


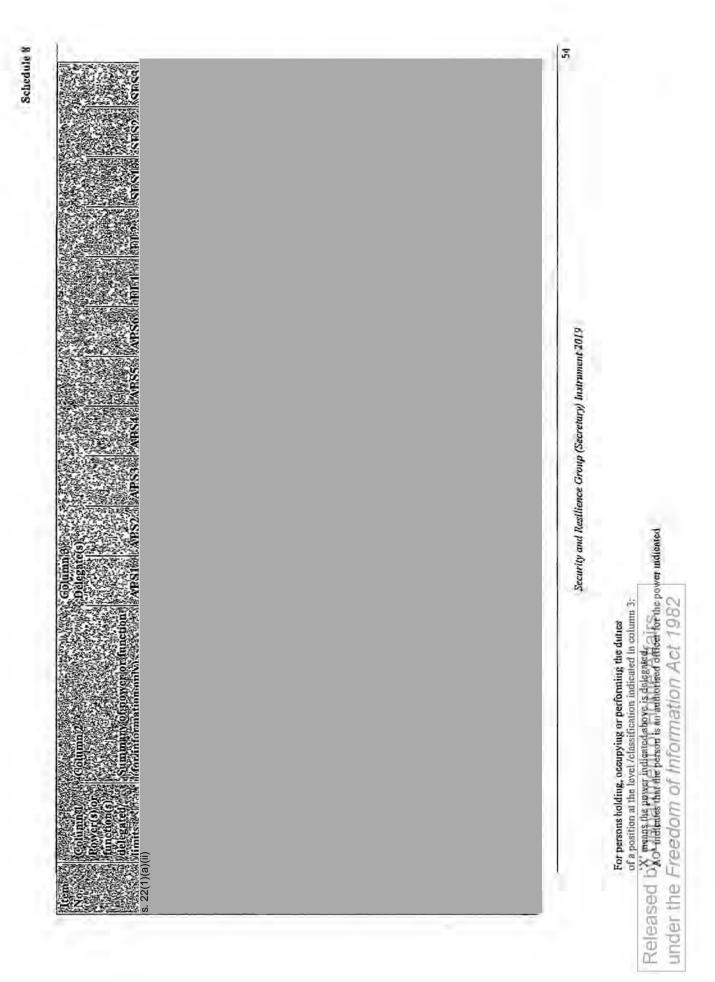
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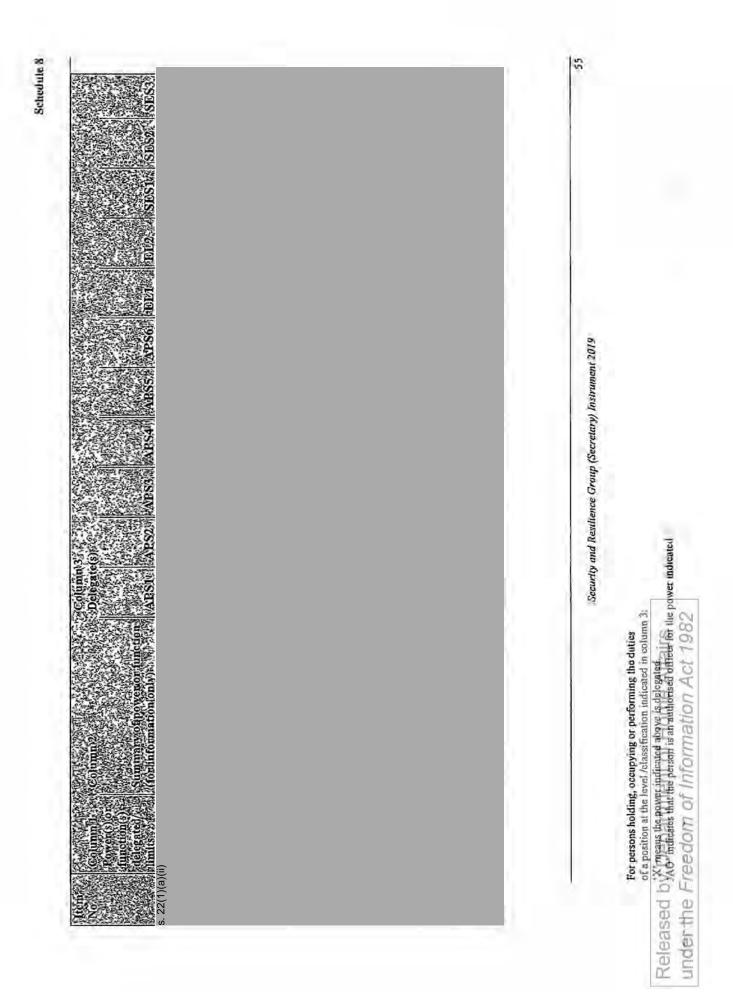


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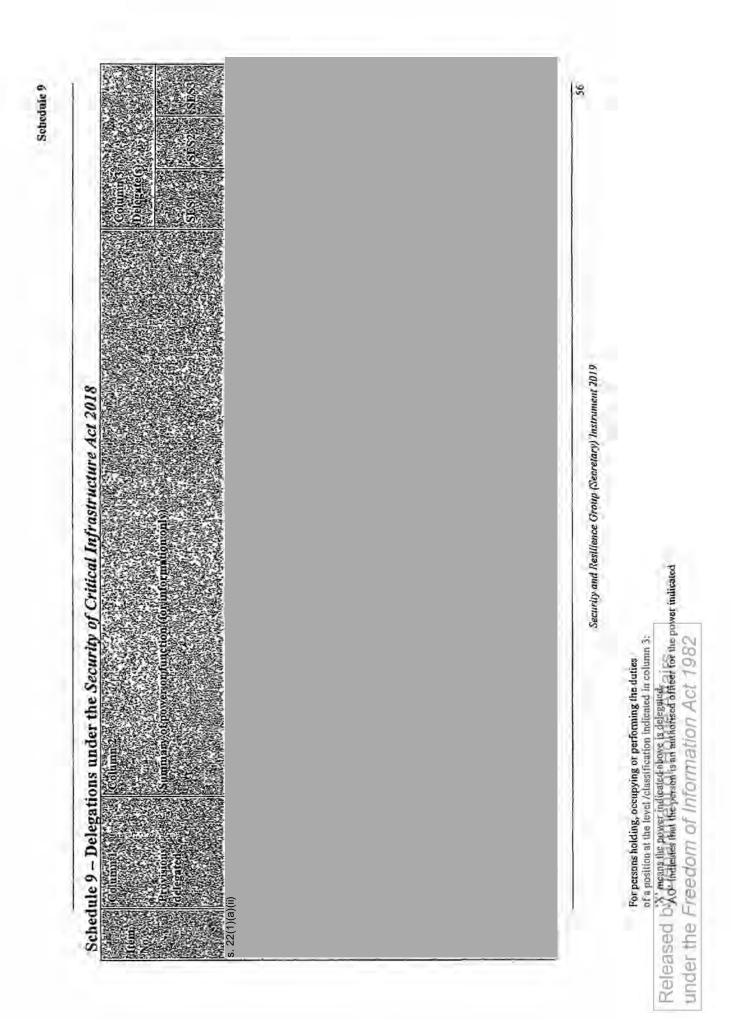


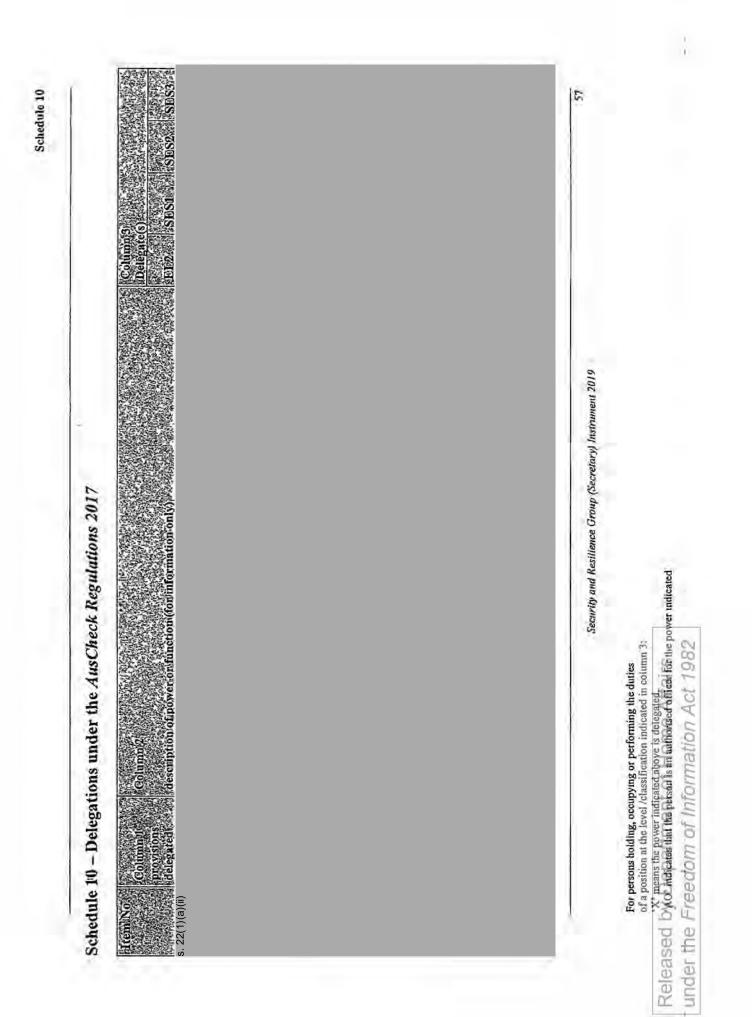




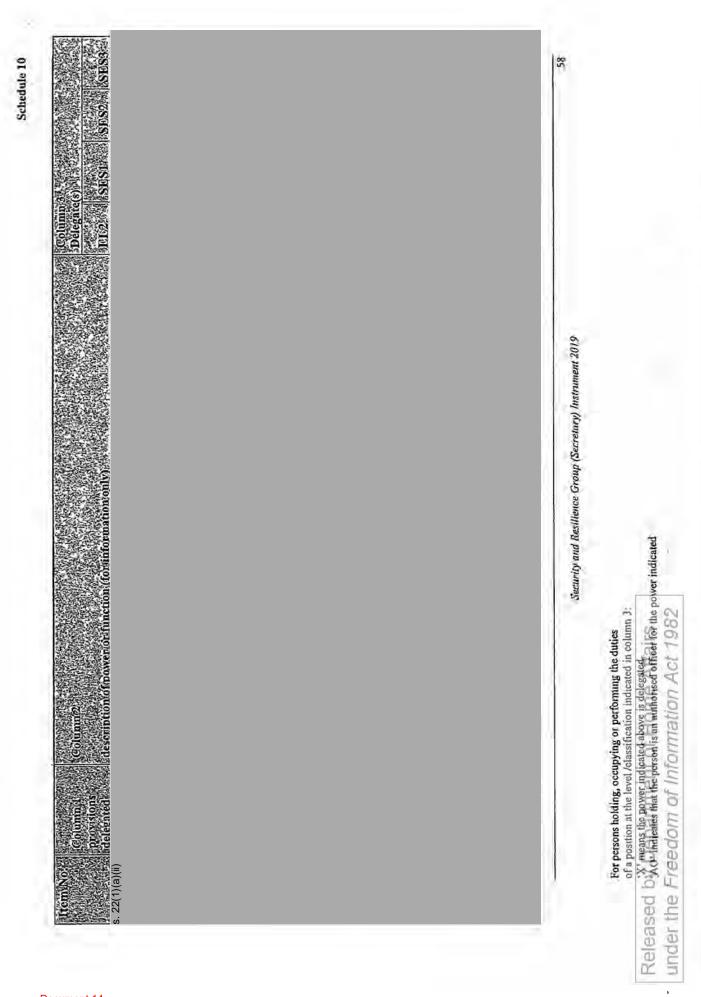


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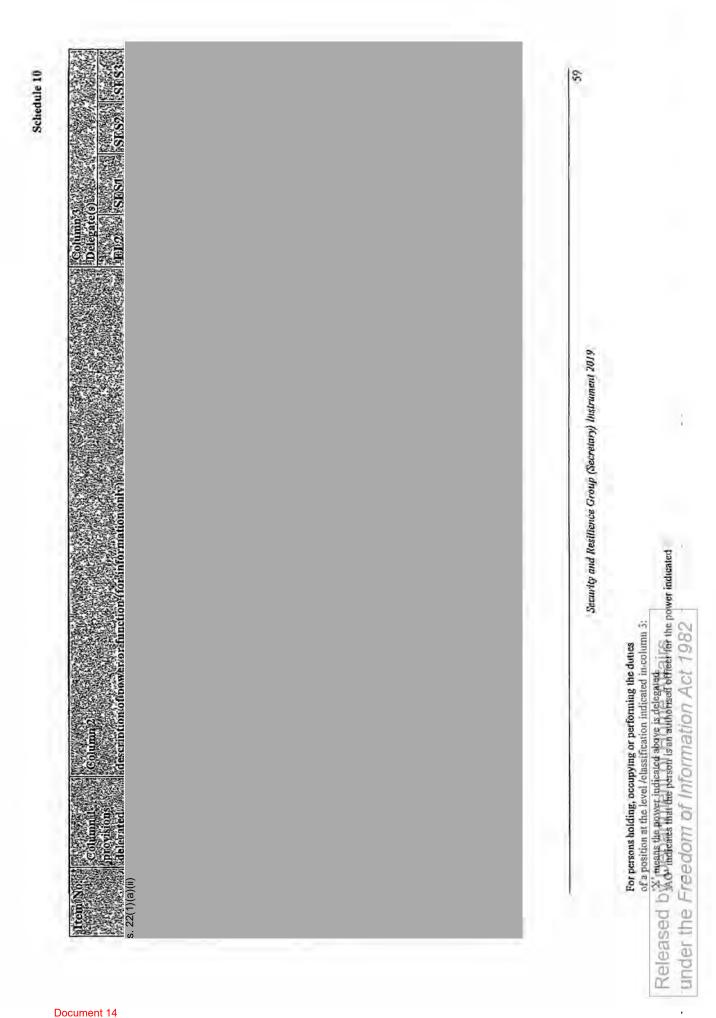




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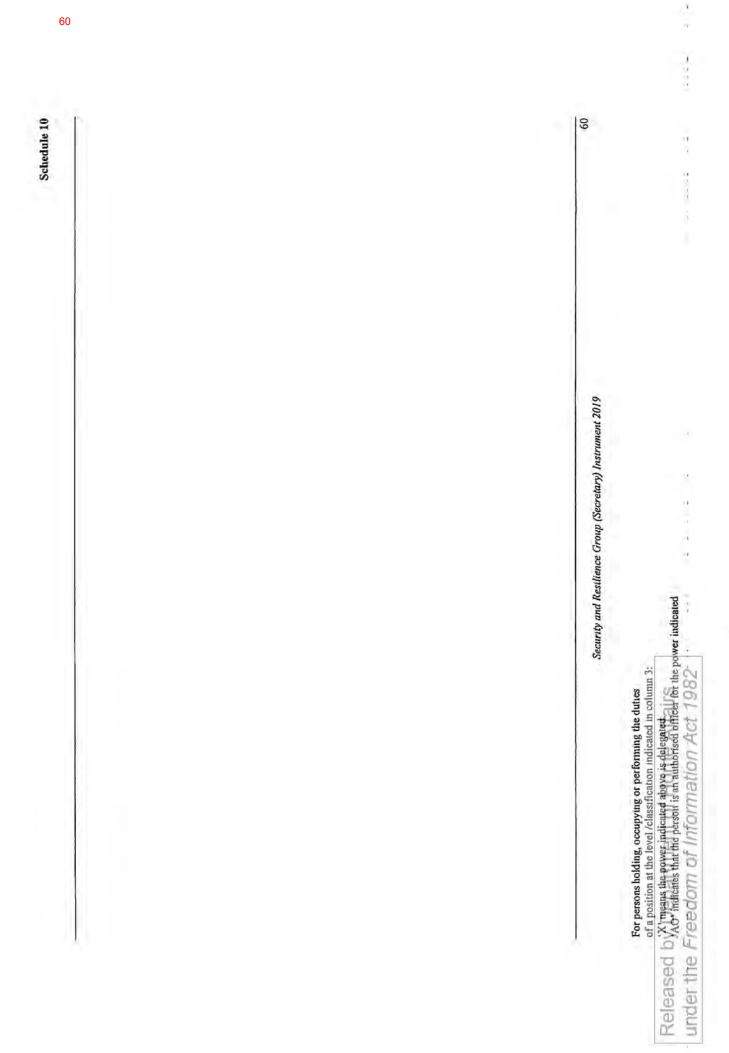


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Document 14





1

Security and Resilience Group (Secretary) Instrument 2019

I, **MICHAEL PEZZULLO**, Secretary of the Department of Home Affairs, make the following instrument.

Dated

all

2019

Michael Pezzullo

Secretary of the Department of Home Affairs

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Part 1 - Preliminary

1 Name

5

This instrument is the Security and Resilience Group (Secretary) Instrument 2019. It may be cited as LIN 19/027.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Aviation Transport Security Act 2004, the AusCheck Act 2007, the Maritime Transport and Offshore Facilities Act 2003; the Migration Act 1958, the Migration Regulations 1994, the Security of Critical Infrastructure Act 2018, and the Telecommunications Act 1997.

4 **Definitions**

Note 1: A number of expressions used in this instrument are defined in legislation, including those listed below:

(a) *authorised officer* is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations.

Note 2: Section 2B and paragraph 46(1)(a) of the *Acts Interpretation Act 1901* incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.

APS 2 means an APS Level 2 classification under the Classification Rules.

APS 3 means an APS Level 3 classification under the Classification Rules.

APS 4 means an APS Level 4 classification under the Classification Rules.

APS 5 means an APS Level 5 classification under the Classification Rules.

APS 6 means an APS Level 6 classification under the Classification Rules.

ATS Act means the Aviation Transport Security Act 2004.

ATS Regulations means the Aviation Transport Security Regulations 2005.

AusCheck Act means the AusCheck Act 2007.

AusCheck Regulations means the AusCheck Regulations 2017.

Classification Rules means the Public Service Classification Rules 2000.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Security and Resilience Group means the Security and Resilience Group in the Department.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

MTOFS Act means the *Maritime Transport and Offshore Facilities Security Act 2003.*

MTOFS Regulations means the *Maritime Transport and Offshore Facilities* Security Regulations 2003.

Telecommunications Act means the Telecommunications Act 1997.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

SOCI Act means the Security of Critical Infrastructure Act 2018.

5 References to section or provision

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a legislative instrument (or subordinate part of a provision) in an item in the Schedules is a reference to the provision (or subordinate part of a provision) in the legislative instrument referred to in the heading immediately preceding that item.

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

^{&#}x27;X' means the power indicated above is delegated.

^{&#}x27;AO' indicates that the person is an authorized officer for the power indicated

Part 2 - Delegations and Authorisations for Security and Resilience Group

6 Aviation Transport Security delegations

9

- (1) Under section 127 of the ATS Act, the powers in the provision specified in an item in column 1 in Schedules 1 and 2 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position:
 - (a) in the Aviation and Maritime Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Security and Resilience Group at the classification level of SES3.
- (2) Under section 127 of the ATS Act, the powers and functions in the provision of the ATS Regulations, specified in an item in column 1 in Schedule 3 to this instrument, are delegated to persons who are:
 - (a) SES employees or acting SES employees; or
 - (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.

7 Maritime Transport and Offshore Facilities Security delegations

- (1) Under section 202 of the MTOFS Act, the powers in the provision specified in an item in column 1 in Schedules 4 and 5 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position:
 - (a) in the Aviation and Maritime Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Security and Resilience Group at the classification level of SES3.
- (2) Under section 202 of the MTOFS Act, the powers and functions in the provision of the MTOFS Regulations, specified in an item in column 1 in Schedule 6 to this instrument, are delegated to persons who are:
 - (a) SES employees or acting SES employees; or
 - (b) APS employees, from time to time holding, occupying or performing the duties of a position;

in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.

8 Telecommunications delegations

- (1) Under Schedule 3A, Part 5, subclause 89(1) of the Telecommunications Act, the powers in the provision specified in an item in column 1 in Schedule 7 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position:
 - (a) in the Critical Infrastructure Security Division of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item; or
 - (b) in the Security and Resilience Group at the classification level of SES3.

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9 Migration delegations

- Under subsection 496(2) of the Migration Act, the powers and functions in the provisions specified in an item in column 1 in Schedule 8 to this instrument are delegated to persons from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers and functions in the provisions specified in an item in column 1 in Schedule 8 to this instrument are delegated to officers from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.

10 Migration authorisations

- (1) Under the definition of *authorised officer* in subsection 5(1) of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "AO" in column 3 for an item in Schedule 8 to this instrument are authorised for the purposes of the provision specified in column 1 for that item.
- (2) Under the definition of *authorised officer* in regulation 1.03 of the Migration Regulations, officers from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "AO" in column 3 for an item in Schedule 8 to this instrument are authorised for the purposes of the provision specified in column 1 for that item.
- (3) Under the definition of *senior authorising officer* in subsection 261AE(8) of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "SAO" in column 3 for an item in Schedule 8 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AE of the Migration Act.
- (4) Under the definition of *senior authorising officer* in subsection 261AK(10) of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "SAO" in column 3 for an item in Schedule 8 to this instrument are authorised to perform the functions of a *senior authorising officer* under section 261AK of the Migration Act.

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Security and Resilience Group (Secretary) Instrument 2019

'AO' indicates that the person is an authorized officer for the power indicated

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

^{&#}x27;X' means the power indicated above is delegated.

11 Critical infrastructure delegations

Under section 59 of the SOCI Act, the powers in the provision specified in an item in column 1 in Schedule 9 to this instrument are delegated to persons from time to time holding, occupying or performing the duties of a position:

- (a) in the following work areas of the Security and Resilience Group at the classification level identified by "X" in column 3 for that item:
 - i. the Maritime, Training and Card Security Branch of the Aviation and Maritime Security Division of the Security and Resilience Group;
 - ii. the Critical Infrastructure Centre of the Critical Infrastructure Security Division of the Security and Resilience Group;
 - iii. the Crisis Management Branch of the Emergency Management Australia Division of the Security and Resilience Group;
- (b) in the Aviation and Maritime Security Division or in the Critical Infrastructure Security Division or in the Emergency Management Australia Division of the Security and Resilience Group at the classification level of SES2; or
- (c) in the Security and Resilience Group at the classification level of SES3.

12 AusCheck delegations

Under section 12 of the AusCheck Act, the powers and functions in the provision specified in an item in column 1 in Schedule 10 to this instrument are delegated to persons who are:

- (a) SES employees or acting SES employees; or
- (b) APS employees who hold, or are acting in, a position, or an equivalent position;

in the Identity and Biometrics Division, in the Security and Resilience Group at the classification level identified by "X" in column 3 for that item.

Note: Relevant instruments were repealed by the instrument titled *Customs Group (Secretary) Instrument 2019* (LIN 19/025).

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Security and Resilience Group (Secretary) Instrument 2019

of a position at the level /classification indicated in column 3:

'AO' indicates that the person is an authorized officer for the power indicated

For persons holding, occupying or performing the duties

^{&#}x27;X' means the power indicated above is delegated.

Schedule 1 – Delegations under the Aviation Transport Security Act 2004

Item No.	Column 1	nn 1 Column 2	Column 3 Delegate(s)							
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3		
22(1)(a	a)(ii)							4		

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

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em Column 1	Column 2	Column 3
0.		Delegate(s)
Power(s) or	Summary of power or function (for information only)	
function(s)		APS6 EL1 EL2 SES1 SES2 SE

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

Power(s) or	Summary of power or fur	action (for information	only)	Delegate(s)		ESS GEO
function(s) 				APS6 EL1	EL2 SES1 S	ES2 SES3
1)(a)(ii)						
			- Current (Second and I i			10
			e Group (Secretary) Instri	iment 2019		
	occupying or performing the duties					
For persons holding, or of a position at the lev	el /classification indicated in colum	an 3.				

Item Column 1	Column 2	Colum	Column 3							
No.		Delega	Delegate(s)							
Power(s) or	Summary of power or function (for information only)									
function(s)		APS6	EL1	EL2	SES1	SES2	SES3			
delegated/ limits										

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¹ A notice under this section is a legislative instrument and must be registered on the Federal Register of Legislation; the instrument is subject to disallowance.

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

Item No.	Column 1	Column 2	Column 3 Delegate(s)	
s. 22(1)(a	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6 EL1 EL2	2 SES1 SES2 SES3

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

Schedule 2 – Delegations under the Aviation Transport Security Regulations 2005

Item No.	Column 1		Column 3 Delegate(s)					
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3
2(1)(a)	J(II)							
		Security and Resilience Group (Secretary) I	nstrument 2019					
Docume	of a position at the leve 'X' means the power in 'AO' indicates that the	ccupying or performing the duties el /classification indicated in column 3: ndicated above is delegated. e person is an authorized officer for the power indicated						

Item	Column 1	Column 2	Colum	n 3				
No.			Delega	Delegate(s)				
	Power(s) or	Summary of power or function (for information only)						
	function(s)		APS6	EL1	EL2	SES1	SES2 SES3	
	delegated/ limits							

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.



Column 1	Column 2	Column 3 Delegate(s)		
Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6 EL1	EL2 SES1	SES2 SE

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

Item Column 1 Column 2		Colum	ı3				
No.		Delegat	e(s)				
Power(s) or Summary of power or function (for i	nformation only)						
function(s)		APS6	ELI	EL2	SES1	SES2	SES3
delegated/limits							

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

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Item No.	Column 1	Column 2	Column 3 Delegate(s)							
	Power(s) or function(s)	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3		
	delegated/ limits									

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

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Item No.	Column 1	Column 1 Column 2				Column 3 Delegate(s)						
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3				

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

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SUL	icuuic	4

Item Column 1 No.	Column 2	Column 3 Delegate(s)	
Power(s) or function(s)	Summary of power or function (for information only)	APS6 EL1 EL	2 SES1 SES2 SES3
s. 22(1)(a)(ii)			

Security and Resilience Group (Secretary) Instrument 2019

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tem No.	Column 1	Column 2	Colum Delega					
	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3
22(1)(a)(ii)		E construction of the second	1		I	1	1
		Security and Resilience Group (Secretary) Instrument 2019					
	For persons holding or	cupying or performing the duties l /classification indicated in column 3:						

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Document 15

Item	Column 1	Column 2	Column 3					
No.			Delega	te(s)				
	Power(s) or	Summary of power or function (for information only)						
	function(s)		APS6	EL1	EL2	SES1	SES2	SES3
	delegated/ limits							

. 22(1)(a)(II)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

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Item Column 1	Column 2	Column 3	
No. Power(s) or	Summary of power or function (for information only)	Delegate(s)	
function(s)		APS6 EL1 E	L2 SES1 SES2 SES3
delegated/ limits			

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

Item Column 1 No.	Column 2	Column 3 Delegate(s)		
Power(s) or function(s)	Summary of power or function (for information only)		EL2 SES1 S	SES2 SES3
s. 22(1)(a)(ii) delegated/ limits				

Security and Resilience Group (Secretary) Instrument 2019

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Document 15

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

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Item Column 1	Column 2	Column 3
No.		Delegate(s)
Power(s) or	Summary of power or function (for information only)	
function(s)		APS6 EL1 EL2 SES1 SES2 SES3
delegated/limits		
s. 22(1)(a)(ii)		

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

- 'X' means the power indicated above is delegated.
- 'AO' indicates that the person is an authorized officer for the power indicated

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Item Column 1 No.	Column 2	Column 3 Delegate(s)						
Power(s) or function(s)	Summary of power or function (for information only)	APS6 EL1 EL2	SES1 SES2 SES3					
delegated/ limits			SEGA DECA SEGS					

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

Schedule 3 – Delegations under the Aviation Transport Security Regulations 2005

tem Column 1		Column 2		Column 3 Delegate(s)						
(1)(a)	Power(s) or function(s) 	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3		
		Samite and Daviliana Course (Samtan)	2010					2		
	of a position at the lev 'X' means the power i	Security and Resilience Group (Secretary) In pecupying or performing the duties rel /classification indicated in column 3: indicated above is delegated. e person is an authorized officer for the power indicated	nstrument 2019							

Schedule 4 – Delegations under the Maritime Transport and Offshore Facilities Security Act 2003

Item No.	Column 1	Column 2		Column 3 Delegate(s)						
22(1)(a)(ii)	Power(s) or function(s) delegated/ limits	Summary of power or function	on (for information only)		APS6	EL1	EL2	SES1	SES2	SES3
_			Security and Resilience Group (Secretary) Instrument 2019	2					
ot 'Z	f a position at the level X' means the power inc	cupying or performing the duties /classification indicated in column 3: licated above is delegated.								
[•] A	AO' indicates that the p	person is an authorized officer for the	power indicated							

Item No. C	Column 1	Column 2			Column 3 Delegate(s)					
22(1)(a)(ii)	Power(s) or function(s) delegated/ limits	Summary of power or function	on (for information only)		APS6		EL2	SES1	SES2	SES3
0	f a position at the level X' means the power inc AO' indicates that the p	cupying or performing the duties /classification indicated in column 3: licated above is delegated. erson is an authorized officer for the		p (Secretary) Instrument	2019					

Item No. Column 1	Column 2	Column 3 Delegate(s)
Power(s) or function(s)	Summary of power or function (for information only)	APS6 EL1 EL2 SES1 SES2 SES3
s. 22(1)(a)(ii)		

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

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Item No.	Column 1	Column 2	Column 3 Delegate(s)						
22(1)(a)(ii)	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES	
		Security and Resilience Group (Secretary) I							

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'X' means the power indicated above is delegated. 'AO' indicates that the person is an authorized officer for the power indicated Document 15

tem No. Column 1 Column 2		Column 3	
Power(s) or function(s) Summary	of power or function (for information only)	Delegate(s) APS6 EL1 EL2	SES1 SES2 SES3
22(1)(a)(ii) delegated/ limits			
			2
			he Affai
			Lot
			of I
			rtment of h
			Department of
For persons holding, occupying or perf of a position at the level /classification	<i>Security and Resilience Group</i> forming the duties indicated in column 3:	o (Secretary) Instrument 2019	Released by Department of Home Affairs

Item No.	Column 1	Column 2	Colum Delega					
	Power(s) or							
	function(s)	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3
	delegated/limits							

. 22(1)(a)(ιι)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

tem No.	Column 1	Column 2	Colum Delega					
22(1)(a)(ii)	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

em No.	Column 1	Column 2	Column 3 Delegate(s)
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6 EL1 EL2 SES1 SES2
1)(a)(ii)	rucie <u>pareu/</u> ininie		nnexeste anteres on one i containcees ou perse instruces i core seentoor form tentes door provident and te

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

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Item No.	Column 1	Column 2	and the second second second	olumn 3 elegate(s)					
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3	

Schedule 5 – Delegations under the Maritime Transport and Offshore Facilities Security Regulations 2003

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

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em o.	Column 1	Column 2		mn 3 gate(s)				
?(1)(a)(i	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS	6 EL1	EL2	SES1	SES2	SES:
		Security and Resilience Group (Secre	tam) Instrument 2010					



Item No.	Column 1	Column 2	Colum Delega					
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3

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Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

Item No. Column 1	Column 2	Colum Delega					
Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated Document 15

Item No, Column 1	Column 2	Column 3 Delegate(s)	
Power(s) or function(s)	Summary of power or function (for information only)	APS6 EL1 EL2	SES1 SES2 SES3
delegated/ limits			

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorized officer for the power indicated

lo.	Column 1	Column 2	Colum Delegat	n 3 te(s)				
2(1)(a)(ii,	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3

Schedule 6 – Delegations under the Maritime Transport and Offshore Facilities Security Regulations 2003

ltem No.	Column 1	Column 2	Colum Delega						
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS5	APS6	EL1	EL2	SES1	SES2	SES3
옷이가 친구님을 잘 즐근거나 걸을 가지?	Transport and	Offshore Facilities Security Regulations 2003							
22(1)(a)(ii)									
							and the second se		
									6
									42
		Security and Resilience Group (Secre	tary) Instrument 201	9					42
F	or norcona haldin	g, occupying or performing the duties	ary) mon ameni 201	,					
0	f a position at the	evel /classification indicated in column 3: er indicated above is delegated.							
Document	AO' indicates that	the person is an authorized officer for the power indicated							

Schedule 7 – Telecommunications Act 1997 – Protection of submarine cables

Item No.	Column 1	Column 2	Column Delegate		
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	SES 1	SES2	SES3
Feleco 22(1)(a	mmunications Act 199)(ii)	7			
		Security and Resilience Group (Secretary) Instrument 2019			
Docume	of a position at the level 'X' means the power in 'AO' indicates that the	cupying or performing the duties L/classification indicated in column 3: dicated above is delegated. person is an authorised officer for the power indicated			

 γ^{ij}

Schedule 8 – Delegations and Authorisations under the Migration Act 1958 and Migration Regulations 1994

ltem No.	Column 1 Power(s) or function(s)	Column 2	Column 3 Delegate(s)									
	delegated/	Summary of power or function										
	limits	(for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migrati	on Act 1958			- · · · .							andra a standarda Antonio Antonio	las ser
22(1)(a)(II)											
							·····				2 UNITED 1	
			Security and Resil	ience Group	(Secretary)	Instrumen	t 2019					
		, occupying or performing the duties										

- 'X' means the power indicated above is delegated.
- 'AO' indicates that the person is an authorised officer for the power indicated

em	Column 1	Column 2	Column Delegate										
0.	Power(s) or function(s) delegated/	Summary of power or function		APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
2(1)(a)	limits (ii)	(for information only)	APS1	APS2	AP55	AP54	AP55	APSO	EL1	_ EL2	SESI	SE02	SE33
_													
			Security	v and Resili	ience Grou <u>i</u>) (Secretary) Instrumen	nt 2019					4:
			ŗ										
]	For persons holding	g, occupying or performing the duties	2.										
	'X' means the pow	level /classification indicated in column er indicated above is delegated. the person is an authorised officer for th											

Item			Column 3							
No.	Column 1	Column 2	Delegate(s)							
	Power(s) or									
	function(s)									
	delegated/	Summary of power or function								
s. 22(1)(a	limits	(for information only)	APS1 APS2	APS3 APS4	APS5 APS6	EL1	EL2	SES1 8	8E82 SE3	5 3

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated

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Item			Column	3								
No.	Column 1	Column 2	Delegate	:(s)								
	Power(s) or											
	function(s)											
	delegated/	Summary of power or function										
s. 22(1)(a)(ii	limits	(for information only)	APS1	APS2 APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated

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tem			Column	3									
vo.	Column 1	Column 2	Delegate	:(\$)									
	Power(s) or	For a screep of the pression sectors around											
	function(s)												
	delegated/	Summary of power or function											
2(1)(a)	limits	(for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated Document 15

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em D.	Column 1	Column 2	Column Delegate										
	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
2(1)(a)	(ii) (iii)												
_													4
			Security	and Resili	ence Group	o (Secretary) Instrumer	nt 2019					4
F	for persons holding	g, occupying or performing the duties											
C	of a position at the	evel /classification indicated in column 3 er indicated above is delegated.	5:										
	AO' indicates that	the person is an authorised officer for the	e nower inc	licated									

Item No. Column 1 Power(s) or function(s)	Column 2	Column 3 Delegate(s)	
delegated/ s. 22(1)(a)(ii)	Summary of power or function (for information only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3	
			Affoire
			20 Daro Affaire
			triant
		Security and Resilience Group (Secretary) Instrument 2019	50100

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated Document 15

Item No.	Column 1 Power(s) or function(s)	Column 2	Column 3 Delegate(s)										
	delegated/ limits	Summary of power or function (for information only)	APS1	APS2 APS:	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
22(1)(a)(ii)												

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated

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:m).	Column 1	Column 2	Column 3 Delegate(s)
*	Power(s) or		Deregani(s)
	function(s)		
	delegated/	Summary of power or function	
	limits	(for information only)	APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES
1)(a)(i	i)		

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated Document 15

	em	Column 3			
function(s) delegated Summary of power or function limits (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3	o. Column 1 Column 2				
delegated/ Summary of power or function Itmits (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3					
Limits (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3		ower or function			
	limits (for information		PS3 APS4 APS5 APS6	EL1 EL2 SES1	SES2 SES3
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'Y means the power indicated above: is delegated. Security and resulting the duties of the power indicated in column 3: 'Y means the power indicated above: is delegated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: "Y means the power indicated above is delegated."					
Image: International Security and Resiltence Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level (classification indicated in column 3): 'Y means the power indicated above is delegated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'Y means the power indicated dative is delegated. 'Y means the power indicated dative is delegated.					
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Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'X' means the power indicated in column 3: 'X' means the power indicated in column 3:					
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 3: 'X means the power indicated above is delegated. 3:					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X means the power indicated above is delegated. 'A means the power indicated above is delegated.					
Socurity and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'A' means the power indicated above is delegated.					
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 53 and 10 and 10 and 1					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'A' in the instrument of officer for the prover indicated in the prover indicated in the power indicated above is delegated. 'A' in the power indicated above is delegated.					
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 53					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'Y indicates that the proper is on autoinging of figer for the proper indicated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'A' means the power indicated above is delegated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					4
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					14
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					25 V
53 Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AQ' indicates that the person is an authorised officer for the power indicated					
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					
Security and Resilience Group (Secretary) Instrument 2019 For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.					
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.	. I			J	
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.	L		e Group (Secretary) Instrument 2019	J	53
of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.			e Group (Secretary) Instrument 2019	1	53
'X' means the power indicated above is delegated.	For persons holding, occupying or per		e Group (Secretary) Instrument 2019	,	53
	of a position at the level /classification	forming the duties indicated in column 3:	e Group (Secretary) Instrument 2019		53

- 'AO' indicates that the person is an authorised officer for the power indicated Document 15

Schedule 8

Item			Column										
No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Delegate APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
22(1)(a)((ii)			111.52	1.111 55		111 00	111 50			1 DEGI		1 5 2 5 5
							1						
									1				
			Security	and Resili	ence Group	(Secretary) Instrumer	11 2019					
			Security	and Resili	ence Group	(Secretary)) Instrumen	nt 2019					
- F	for persons holding	g, occupying or performing the duties		and Resili	ence Group	(Secretary)) Instrumen	nt 2019					
C ,	of a position at the X' means the powe	g, occupying or performing the duties level /classification indicated in column er indicated above is delegated. the person is an authorised officer for th	3:		ence Group	(Secretary)) Instrumer	nt 2019					

Item			Column	3							
No.	Column 1	Column 2	Delegat	e(s)							
	Power(s) or										
	function(s)										
	delegated/	Summary of power or function									
	limits	(for information only)	APS1	APS2 APS3	APS4	APS5 APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated $\frac{15}{15}$

Item	Column 1	Column 2	Column 3 Delegate(s)		
No.	Power(s) or function(s) delegated/ limits	Summary of power or function (for information only)	SES1	SES2	SES3

Schedule 9 – Delegations under the Security of Critical Infrastructure Act 2018

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated

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Schedule 10 – Delegations under the AusCheck Regulations 2017

tem				Column 3									
0.	Column 1 Power(s) or	Column 2	Delegat	te(s)			1			1	1	1	
	function(s)	Summary of power or function											
	delegated/ limits	(for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
2(1)(a)	eck Regulations 20												
-													
		Sect	urity and Re	esilience G	roup (Secr	etary) Inst	rument 20	19					

Schedule 10

Item Column 3	
No. Column 1 Column 2 Delegate(s) Power(s) or	
function(s) Summary of power or function delegated/limits (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL	2 SES1 SES2 SES3
s. 22(1)(a)(ii)	
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	f Hom
	Released by Department of Home Affairs
Sequeity and Desiliones Change (Security) Instrument 2010	580
Security and Resilience Group (Secretary) Instrument 2019	by De
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:	ased be the
'X' means the power indicated above is delegated. 'AO' indicates that the person is an authorised officer for the power indicated Document 15	Rele

Schedule 10

D. Column 1 Column 2 Power(s) or function(s) Summary of power or function delegated/ limits (for information only)	Delegate(s) on APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 SES2 SES3
2(1)(a)(ii)	
	Security and Resilience Group (Secretary) Instrument 2019
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:	

Schedule 10

Item			Colum										
No.	Column 1	Column 2	Delegat	te(s)									
2.000	Power(s) or												
	function(s)	Summary of power or function	A DC1	APS2	A DC2	ADCA	ADGE	ADC	DI 1	EI 2	SEG1	SECO	SEC2
	delegated/limits	(for information only)	APS1	APS2	APS3	APS4	APS5	APS6	ELI	EL2	SES1	DES2	SES3

Security and Resilience Group (Secretary) Instrument 2019

For persons holding, occupying or performing the duties

of a position at the level /classification indicated in column 3:

'X' means the power indicated above is delegated.

'AO' indicates that the person is an authorised officer for the power indicated

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Item No.	Column 1	Column 2	Columr Delegat							I				
	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
. 22(1)(a))(ii)													
														Released by Department of Home Affairs under the Freedom of Information Act 1982
	of a position at the level / 'X' means the power indi 'AO' indicates that the pe	pying or performing the duties classification indicated in column 3:	urity and Re. r indicated	silience Grc	oup (Secre	etary) Inst	rument 20	19						Released by Depart under the Freedom

Schedule 10

tem lo.	Column 1	Column 3 Delegate(s)											
	Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)		APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
of a 'X	a position at the level /c ' means the power indic	<i>Secu</i> pying or performing the duties classification indicated in column 3: cated above is delegated. rson is an authorised officer for the power	rity and Re	silience Gr	oup (Secr	etary) Inst	rument 20	19					

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Australian Government

Department of Home Affairs

s. 22(1)(a)(ii)

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

Received

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Citizenship and Social Cohesion Group and **Immigration and Settlement Services Group** (Secretary) Instrument No. 2 of 2019

I, MICHAEL PEZZULLO, Secretary of the Department of Home Affairs, make the following instrument of delegation and authorisation.

Dated 30 September Venlo 2019

Michael Pezzullo Secretary of the Department of Home Affairs

1982 Released by Department of Home Affairs Freedom of Information Act the E. nnd

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Schedule 1 –		gations and Authorisations under the Migration Act and ation Regulations	6			
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under the Freedom of Information Act 1982 Released by Department of Home Affairs

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Part 1 – Preliminary

1 Name

- (1) This instrument is the Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument No. 2 of 2019.
- (2) It may be cited LIN 19/239.

2 Commencement

This instrument commences on the day after signature.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, A New Tax System (Family Assistance) Act, Paid Parental Leave Act 2010, Social Security Act 1991, the Migration Act 1958, Migration Regulations 1994 and the Immigration (Education) Act 1971.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in legislation, including those listed below:
 - (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations; and
 - (b) senior authorising officer is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act incorporate into this instrument the definitions of APS employee and SES employee from the *Public Service Act 1999*.

In this instrument:

A New Tax System (Family Assistance) Act means the A New Tax System (Family Assistance) Act 1999.

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.

APS 2 means an APS Level 2 classification under the Classification Rules.

APS 3 means an APS Level 3 classification under the Classification Rules.

APS 4 means an APS Level 4 classification under the Classification Rules.

APS 5 means an APS Level 5 classification under the Classification Rules.

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument No. 2 of 2019 Released by Department of Home Affairs under the Freedom of Information Act 1982

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APS 6 means an APS Level 6 classification under the Classification Rules.

Citizenship and Social Cohesion Group means the Citizenship and Social Cohesion Group in the Department of Home Affairs.

Classification Rules means the Public Service Classification Rules 2000.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Immigration and Settlement Services Group means the Immigration and Settlement Services Group in the Department of Home Affairs

Immigration (Education) Act means the Immigration (Education) Act 1971

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

Paid Parental Leave Act means the Paid Parental Leave Act 2010.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

Social Security Act means the Social Security Act 1991.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

2

Part 2 – Delegations and Authorisations for Citizenship and Social Cohesion Group and Immigration and Settlement Services Group

6 Migration delegations

Under subsection 496(2) of the Migration Act and under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in Column 1 of the table in Schedule 1 are delegated to a person from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "X" in Column 3 of the table for that item.

7 Migration authorisations

Under the definition of "authorised officer" in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "AO" in Column 3 for an item of the table in Schedule 1, is authorised for the purposes of the provision specified in Column 1 of the table for that item.

8 Migration appointments

Under subregulation 2.10A(2) of the Migration Regulations, an officer from time to time holding, occupying or performing the duties of a position in the Status Resolution Branch in the Immigration and Settlement Services Group at the classification level identified by "APP" in Column 3 for an item of the table in Schedule 2, is appointed to be a "detention review officer" for the purposes of section 46 of the Migration Act.

9 Immigration (Education) delegations

Under section 10A of the Immigration (Education) Act, the powers in the provision specified in an item in Columin 1 of the table in Schedule 3 are delegated to a person from time to time holding, occupying, or performing the duties of the position specified at the classification level identified by "X" in Column 3 of the table for that item.

10 Social Security Act delegation

Under subsection 38N(3) of the Social Security Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument No. 2 of 2019 the Counter Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

11 A New Tax System (Family Assistance) Act delegation

Under subsection 57GJ(4) of the A New Tax System (Family Assistance) Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in the Counter Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

12 Paid Parental Leave Act delegation

Under subsection 278C(3) of the Paid Parental Leave Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in the Counter-Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

4

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument No. 2 of 2019

Part 3 – Revocation

10 Revocation of instruments

In accordance with section 33(3) of the Acts Interpretation Act, the instrument Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019 (LIN 19/032) is revoked.

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

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Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument No. 2 of 2019

Schedule 1 – Delegations and Authorisations under the Migration Act and Migration Regulations

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Schedule 2 – Appointment of Detention Review Officer under the Migration Regulations

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Schedule 3 – Delegations under the Immigration (Education) Act

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Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave Act

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Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019

I, MICHAEL PEZZULLO, Secretary of the Department of Home Affairs, make the following instrument of delegation and authorisation.

Dated **30 fire** 2019 Michael Pezzullo Secretary of the Department of Home Affairs

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

Document 17

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Citizenship and Social Cohesion Group and Immigration and Settlement Services
Group (Secretary) Instrument 2019

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Part 1 - Preliminary

1 Name

- This instrument is the Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019.
- (2) It may be cited LIN 19/032.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Migration Act 1958 and the Migration Regulations 1994 and the Immigration (Education) Act 1971.

4 Definitions

Note 1: A number of expressions used in this instrument are defined in legislation, including those listed below:

- (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations; and
- (b) senior authorising officer is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act incorporate into this instrument the definitions of APS employee and SES employee from the *Public Service Act 1999*.

In this instrument:

A New Tax System (Family Assistance) Act means the A New Tax System (Family Assistance) Act 1999.

Acts Interpretation Act means the Acts Interpretation Act 1901.

APS 1 means an APS Level 1 classification under the Classification Rules.

APS 2 means an APS Level 2 classification under the Classification Rules.

APS 3 means an APS Level 3 classification under the Classification Rules.

APS 4 means an APS Level 4 classification under the Classification Rules.

APS 5 means an APS Level 5 classification under the Classification Rules.

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019

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APS 6 means an APS Level 6 classification under the Classification Rules.

Citizenship and Social Cohesion Group means the Citizenship and Social Cohesion Group in the Department of Home Affairs.

Classification Rules means the Public Service Classification Rules 2000.

Department means the Department of Home Affairs.

EL1 means an Executive Level 1 classification under the Classification Rules.

EL2 means an Executive Level 2 classification under the Classification Rules.

Immigration and Settlement Services Group means the Immigration and Settlement Services Group in the Department of Home Affairs

Immigration (Education) Act means the Immigration (Education) Act 1971

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

Paid Parental Leave Act means the Paid Parental Leave Act 2010.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

Social Security Act means the Social Security Act 1991.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019

Part 2 – Delegations and Authorisations for Citizenship and Social Cohesion Group and Immigration and Settlement Services Group

6 Migration delegations

9

Under subsection 496(2) of the Migration Act and under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in Column 1 of the table in Schedule 1 are delegated to a person from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "X" in Column 3 of the table for that item.

7 Migration authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "AO" in Column 3 for an item of the table in Schedule 1, is authorised for the purposes of the provision specified in Column 1 of the table for that item.
- (2) Under the definition of "senior authorising officer" in subsections 261AE(8) and 261AK(10) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "SAO" in Column 3 for an item in the table in Schedule 1, is authorised to exercise the powers or perform the functions of a "senior authorising officer" in the provision specified in Column 1 of the table for that item.

8 Migration appointments

Under subregulation 2.10A(2) of the Migration Regulations, an officer from time to time holding, occupying or performing the duties of a position in the Status Resolution Branch in the Immigration and Settlement Services Group at the classification level identified by "APP" in Column 3 for an item of the table in Schedule 2, is appointed to be a "detention review officer" for the purposes of section 46 of the Migration Act.

Released by Department of Home Affairs under the Freedom of Information Act 198.

3

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019

9 Immigration (Education) delegations

Under section 10A of the Immigration (Education) Act, the powers in the provision specified in an item in Column 1 of the table in Schedule 3 are delegated to a person from time to time holding, occupying, or performing the duties of the position specified at the classification level identified by "X" in Column 3 of the table for that item.

10 Social Security Act delegation

Under subsection 38N(3) of the Social Security Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in the Counter Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

11 A New Tax System (Family Assistance) Act delegation

Under subsection 57GJ(4) of the A New Tax System (Family Assistance) Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in the Counter Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

12 Paid Parental Leave Act delegation

Under subsection 278C(3) of the Paid Parental Leave Act, the powers and functions in the provision specified in an item in column 1 of the table in Schedule 4 are delegated to an employee from time to time holding, occupying, or performing the duties of a position in the Counter-Terrorism Coordination Centre at the classification level identified by "X" in column 3 of the table for that item.

Citizenship and Social Cohesion Group and Immigration and Settlement

Services Group (Secretary) Instrument 2019

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

Part 3 – Revocation

10 Revocation of instruments

Under section 33(3) of the Acts Interpretation Act, this instrument revokes the following instruments:

- (a) Secretary Delegation Instrument No. 7 of 2018 (Commonwealth Counter-Terrorism Group)(SHA No. 7 of 2018), signed 3 December 2018;
- (b) Secretary Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018), signed 18 April 2018;
- (c) Immigration (Education) (Secretary) Ineligibility for English Courses Delegation 2019, signed 14 June 2019;
- (d) Instrument of Authorisation 2015 DEL 15/079 signed 25 June 2015;
- Migration (Secretary) (Applications for Referred Stay) Authorisation 2017 (DEL 17/060), signed 30 June 2017;
- (f) Migration (Secretary) (Maritime Crew Visa) Authorisation 2017 (DEL 17/109), signed 22 December 2017;
- (g) Migration (Secretary) (Condition 8547) Delegation 2017 (DEL 17/110), signed 22 December 2017.

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

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Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Secretary) Instrument 2019

Schedule 1 – Delegations and Authorisations under the Migration Act and Migration Regulations

Item	COLUMN 1	COLUMN 2					<u> </u>	OLUMN	3				
No.	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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78. 79. 80. 81. 82. 83. 84. s473CB Material to be provided to Immigration Assessment Authority X X x X 85. 86.	Item No. 77.	COLUMN 1 PROVISION s. 22(1)(a)(ii)	<u>COLUMN 2</u> SECTION HEADING/ Description (for information o	only) APS1 A	.PS2 APS3	APS4		OLUMN APS6		EL2	SES1	SES2	SES3
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Schedule 2 – Appointment of Detention Review Officer under the Migration Regulations

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Schedule 3 – Delegations under the Immigration (Education) Act

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Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave Act

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1

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018)

I, MICHAEL PEZZULLO, Secretary of the Department of Home Affairs, make the following instrument of delegation and authorisation.

Dated 2018 MICHAEL PEZZULLO

Secretary of the Department of Home Affairs

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Migration Regulations

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Part 1 – Preliminary

1 Name

This instrument is the Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group. It may be cited as SHA No. 7 of 2018.

2 Commencement

This instrument commences on the day after it is signed.

Authority 3

This instrument is made under the Acts Interpretation Act 1901, the Migration Act 1958 and the Migration Regulations 1994.

Definitions 4

- Note 1: A number of expressions used in this instrument are defined in legislation, including those listed below:
 - authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of (a) the Migration Regulations; and
 - senior authorising officer is defined in subsection 261AE(8) and subsection 261AK(10) of (b) the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act 1901 incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901. 198 by Department of Home Affairs **APS I** means an APS Level 1 classification under the Classification Rules. Act APS 2 means an APS Level 2 classification under the Classification Rules. APS 3 means an APS Level 3 classification under the Classification Rules. Information APS 4 means an APS Level 4 classification under the Classification Rules. APS 5 means an APS Level 5 classification under the Classification Rules. APS 6 means an APS Level 6 classification under the Classification Rules. 50 Classification Rules means the Public Service Classification Rules 2000. Freedom The Department means the Department of Home Affairs. **ELI** means an Executive Level 1 classification under the Classification Rules. Released the Secretary – Delegations and Authorisations Instrument No. 7 of 2018 1 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018) b

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EL2 means an Executive Level 2 classification under the Classification Rules.

Immigration and Citizenship Services Group means the Immigration and Citizenship Services Group in the Department of Home Affairs.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

	by Department of Home Affairs Freedom of Information Act 1982
Secretary – Delegations and Authorisations Instrument No. 7 of 2018 2	Released
(Immigration and Citizenship Services Group) (SHA No. 7 of 2018)	under the

Part 2 – Delegations and Authorisations for Immigration and **Citizenship Services Group**

Migration delegations 6

- (1) Under subsection 496(2) of the Migration Act, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "X" in column 3 of the table for that item.

7 **Migration authorisations**

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "SAO" in column 3 for an item in the table in Schedule 1 to this instrument are authorised to exercise the powers or perform the functions of a "senior authorising" officer" in the provision specified in column 1 of the table for that item for the purposes df_{0} section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under this 10 section 261AK of the Migration Act. Released by Dep

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8 Migration appointments

Under subregulation 2.10A(2) of the Migration Regulations, for section 46 of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the Status Resolution Branch in Immigration and Citizenship Services Group at the classification level identified by "APP" in column 3 for an item of the table in Schedule 1 to this instrument are appointed to be a "detention review officer" for the purposes of regulation 2.10A of the Migration Regulations.

	by Department of Home Affairs Freedom of Information Act 1982
Secretary – Delegations and Authorisations Instrument No. 7 of 2018 4	Released
(Immigration and Citizenship Services Group) (SHA No. 7 of 2018)	under the

9 Revocation of instruments

Under the provisions specified in sections 6, 7 and 8 of this instrument and subsection 33(3) of the Acts Interpretation Act, the *Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)* (SHA No. 5 of 2018), signed on 9 April 2018, is revoked.

		by Department of Home Affairs Freedom of Information Act 1982
Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018)	5	Released under the

Schedule 1 – Delegations and Authorisations under the Migration Act and Migration Regulations

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	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

'SAO' means the person is a senior authorising officer for the power indicated.

Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 A	APS2 A	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018)

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Item No. COLUMN 1 COLUMN 2 COLUMN 3 PROVISION SECTION HEADING/ Description (for information only) APS1 APS2 APS3 APS4 APS5 APS6 EL1 EL2 SES1 19. 5. 22(1)(a)(ii) 5. 22(1)(a)	SES2 SES3
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Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018)

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Item	COLUMN 1	COLUMN 2					C	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Item COLUMN 1 COLUMN 2 COLUMN 3 SECTION HEADING/ PROVISION Description (for information only) APS1 APS2 APS3 APS5 APS6 EL1 EL2 SES1 SES2 SES3 42. 5. 22(1)(a)(0) 5. 22(1)(a)(0) SECTION HEADING/ Description (for information only) APS1 APS2 APS3 APS5 APS6 EL1 EL2 SES1 SES2 SES3 43. 44. 45. 45. 46. 47. 5. 22(1)(a)(0) 51. 52. 53. 53. 53. 53. 54. 55.													
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Item	COLUMN 1	COLUMN 2				C	OLUMN	3				
No.		SECTION HEADING/						_				
	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
54.	PROVISION s. 22(1)(a)(ii)	,									10	
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55.												
56.												
57.												
011												
58.												
59.												
<u>60.</u>												
00.												
61.												
01.												
62.												
02.												
63.												
05.												
64.												
												32
65.												Affairs Act 1982
0												ct -
												A A

11

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

Item	COLUMN 1		UMN <u>2</u>					<u>C</u>	OLUMN	3				
No.	PROVISION		HEADING/	A DC1	A DCO	A DC2				FI 1	EI A	CEC1	GEGO	CEC2
66.	PROVISION s. 22(1)(a)(ii)	Description (for	information only)	APSI	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
00.														
67.														
07.														
68.	-													
69.	-													
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71.	-													
72.														
73.														
10.														
74.														
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	Secreta	ary – Delegations and A	uthorisations Instrum	ent No. 7 o	of 2018 (In	nnioration	and Citiz	enshin Sei	wices Gro	un)				f Ho mati
	Secreta	ry Delegations and I		4 No. 7 of .		inigration		ensnip sei	vices or of					nt of
											12			of II
														Released by Department of Home Affairs under the Freedom of Information Act 1982
	For persons hold 'X' means the pe	ling, occupying or perf ower indicated above is	forming the duties of a j	position at	the level/	classificat	ion indicat	ed in colu	mn 4:					/ De
	'AO' means the	person is an authorised		indicated.										d b) e Fi
	'APP' indicates a		honiaina affirra fra 4		lioota J									ase er th
	SAU' means the	e person is a senior aut	norising officer for the	power inc	incated.									Rele
D	Ocument 18													1 2

Item	COLUMN 1	COLUMN 2				C	OLUMN	3				
No.		SECTION HEADING/						_				
	PROVISION	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
75.	PROVISION s. 22(1)(a)(ii)	• • •					·					
76.												
77.												
78.												
79.												
80.												
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81.												
82.												
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84.												32
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13

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

16

Item	COLUMN 1	<u>COLUMN 2</u>					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
85.		Material to be provided to											
	s473CB	Immigration Assessment Authority			Χ	Χ	Χ	Χ	Χ	Χ	Χ	Χ	Χ
86.	s. 22(1)(a)(ii)												
87.													
88.													
89.													
90.													
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91.													
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92.													S 28
93.													Affairs Act 1982
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Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group) (SHA No. 7 of 2018)

14

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

Item	COLUMN 1	COLUMN 2				<u>C(</u>	OLUMN	3				
No.		SECTION HEADING/										
	PROVISION s. 22(1)(a)(ii)	Description (for information only)	APS1 APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
94.	s. 22(1)(a)(ii)											
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104.												me Affairs on Act 1982
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15

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

Item	COLUMN 1	COLUMN 2					C	OLUMN	3				
No.		SECTION HEADING/							_				
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
105.	s. 22(1)(a)(ii)	· · · · · · · · · · · · · · · · · · ·											
106.													
Migr													
107.													
108.													
109.													
110.													
111.													
112.													
113.													82
													Affairs Act 1982
I													Ac

16

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.

tem	<u>COLUMN 1</u>		LUMN 2	1 1		1	<u>CO</u>	LUMN 3	I	1		1	
No.	PROVISION		N HEADING/ r information only)	APS1 AP	S2 APS3	APS4	APS5	APS6	EL1 I	EL2	SES1	SES2	SES3
14.	s. 22(1)(a)(ii)										2201		22.00
15.													
6.													
17.													
18.													
19.													
20.													
21.													
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23.													
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	Secreta	ry – Delegations and	Authorisations Instrum	ent No. 7 of 201	8 (Immigratio	n and Citiz	onshin Sorvi	ices Group)					f Home Affairs mation Act 19
	Secretar	ry – Delegations and	Authorisations Instrum (SH2	ent No. 7 of 201 4 No. 7 of 2018)		n and Citize	enship Servi	ices Group)					int of Home Affairs Information Act 19
	Secretar	ry – Delegations and				n and Citize	enship Servi	ices Group)	17				intment of Home Affairs in of Information Act 19
			(SH.	4 No. 7 of 2018)			-						Department of Home Affairs edom of Information Act 19
	For persons hold 'X' means the po	ling, occupying or pe ower indicated above	<i>(SH.</i> rforming the duties of a is delegated.	A No. 7 of 2018) position at the le			-						by Department of Home Affairs Freedom of Information Act 19
	For persons hold 'X' means the po 'AO' means the p 'APP' indicates a	ling, occupying or pe ower indicated above person is an authorise an appointment.	(SH.	A No. 7 of 2018) position at the le indicated.	evel/classificat		-						Released by Department of Home Affairs under the Freedom of Information Act 1982

Item	COLUMN 1	COLUMN 2					<u>C</u>	OLUMN	3				
No.		SECTION HEADING/											
	PROVISION	Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
124. ^e	s. 22(1)(a)(ii)												
125.													
120,													
126.													
120.													

18

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 4:

'X' means the power indicated above is delegated.

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

'APP' indicates an appointment.



1

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018)

I, MICHAEL PEZZULLO, Secretary of the Department of Home Affairs, make the following instrument of delegation and authorisation.

Dated 9th April 2018

MICHAEL PEZZULLO Secretary of the Department of Home Affairs

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

Contents

- -

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	9	Revocation of instruments	5
Schedule 1 - I	Dele	gations and authorisations under the Migration Act and	
1	Mig	ration Regulations	6

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Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018)

Part 1 – Preliminary

1 Name

3

This instrument is the Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group. It may be cited as SHA No. 5 of 2018.

2 Commencement

This instrument commences on 16 April 2018.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Migration Act 1958 and the Migration Regulations 1994.

4 Definitions

- Note 1: A number of expressions used in this instrument are defined in legislation, including those listed below:
 - (a) authorised officer is defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations; and
 - (b) senior authorising officer is defined in subsection 261AE(8) and subsection 261AK(10) of the Migration Act.
- Note 2: Section 2B and paragraph 46(1)(a) of the Acts Interpretation Act 1901 incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

Acts Interpretation Act means the Acts Interpretation Act 1901.	2
APS 1 means an APS Level 1 classification under the Classification Rules.	ffairs ct 198
APS 2 means an APS Level 2 classification under the Classification Rules.	Affa
APS 3 means an APS Level 3 classification under the Classification Rules.	ne
APS 4 means an APS Level 4 classification under the Classification Rules.	Hoi
APS 5 means an APS Level 5 classification under the Classification Rules.	t of form
APS 6 means an APS Level 6 classification under the Classification Rules.	f In
Classification Rules means the Public Service Classification Rules 2000,	artn m o
The Department means the Department of Home Affairs.)ep;
EL1 means an Executive Level 1 classification under the Classification Rules.	by C Free
Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018)	eased ler the

EL2 means an Executive Level 2 classification under the Classification Rules.

Immigration and Citizenship Services Group means the Immigration and Citizenship Services Group in the Department of Home Affairs.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

SES1 means a Senior Executive Band 1 classification under the Classification Rules.

SES2 means a Senior Executive Band 2 classification under the Classification Rules.

SES3 means a Senior Executive Band 3 classification under the Classification Rules.

5 References to section or regulation

4

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is a provision of a reference to the regulation (or subordinate part of a provision of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

		by Department of Home Affairs Freedom of Information Act 1982
Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018)	2	Released Inder the

Part 2 – Delegations and Authorisations for Immigration and Citizenship Services Group

6 Migration delegations

5

- (1) Under subsection 496(2) of the Migration Act, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers in the provision specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to persons from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "X" in column 3 of the table for that item.

7 Migration authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised for the purposes of the provision specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorising officer" in subsection 261AE(8) of the Migration Act, officers from time to time holding, occupying, or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "SAO" in column 3 for an item in the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AE of the Migration Act.
- (4) Under the definition of "senior authorising officer" in subsection 261AK(10) of the Migration Act, the persons from time to time holding, occupying, or performing the duties of a position in the Intelligence and Capability Group at the classification identified by "SAO" in column 3 for an item of the table in Schedule 1 to this instrument are authorised to perform the functions of a "senior authorising officer" under section 261AK of the Migration Act.

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018) 3

8 Migration appointments

Under subregulation 2.10A(2) of the Migration Regulations, for section 46 of the Migration Act, officers from time to time holding, occupying or performing the duties of a position in the Immigration and Citizenship Services Group at the classification level identified by "APP" in column 3 for an item of the table in Schedule 1 to this instrument are appointed to be a "detention review officer" for the purposes of regulation 2.10A of the Migration Regulations.

	by Department of Home Affairs Freedom of Information Act 1982
Secretary – Delegations and Authorisations Instrument No. 5 of 2018 4	Released
(Immigration and Citizenship Services Group) (SHA No. 5 of 2018)	under the

Part 3 – Revocation

7

Revocation of instruments 0

- (1) The instruments listed in subsection 9(2) are revoked insofar as the instruments:
 - a) delegate powers or functions to persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Immigration and Citizenship Services Group; or
 - b) authorise or appoint persons from time to time holding, occupying or performing the duties of a position, on commencement of this instrument, in the Immigration and Citizenship Services Group to be, to exercise the powers of, or perform the functions of, an authorised officer, a senior authorising officer or a detention review officer.
- (2) For the purpose of subsection 9(1) the following instruments are listed:
 - a) Instrument of Delegation and Authorisation 2015 (GIDAS 4) signed on 25 June 2015;
 - b) Instrument of Authorisation 2015 (Subregulation 2.07AC(2)) (DEL 15/079) signed on 25 June 2015;
 - c) Migration (Secretary) (Applications for Referred Stay) Authorisation 2017 (DEL 17/060) signed on 30 June 2017;
 - d) Migration (Secretary) (Detention Review Officer) Appointment and Authorisation 2017 (DEL 17/072) signed on 22 September 2017;
 - e) Migration (Secretary) (Refugee and Humanitarian Visa Management Division) Delegation and Authorisation 2017 (GIDAS 6) signed on 12 December 2017;
 - f) Migration (Secretary) (Identification) Authorisation 2017 (DEL 17/086) signed on 19 December 2017:
 - g) Migration (Secretary) (Infringement Notices) Authorisation 2017 (DEL 17/090) signed on 19 December 2017;
 - h) Migration (Secretary) (Maritime Crew Visa) Authorisation 2017 (DEL 17/109) signed on 22 December 2017;
 - Migration (Secretary) (Condition 8547) Delegation 2017 (DEL 17/110) signed on 22 i) December 2017;
 - Migration (Secretary) (Visa and Citizenship Management Division) Delegation and **i**) Authorisation 2017 (GIDAS 5) signed on 22 December 2017; and
 - Authorisation 2017 (GIDAS 5) signed on 22 December 2017; and k) Migration (Secretary) (Visa Delivery Transformation Division) Delegation and Authorisation 2017 (GIDAS 7) signed on 22 December 2017. 9000 Jone 1000 Jone 10000 Jone 1000

Secretary - Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No. 5 of 2018)

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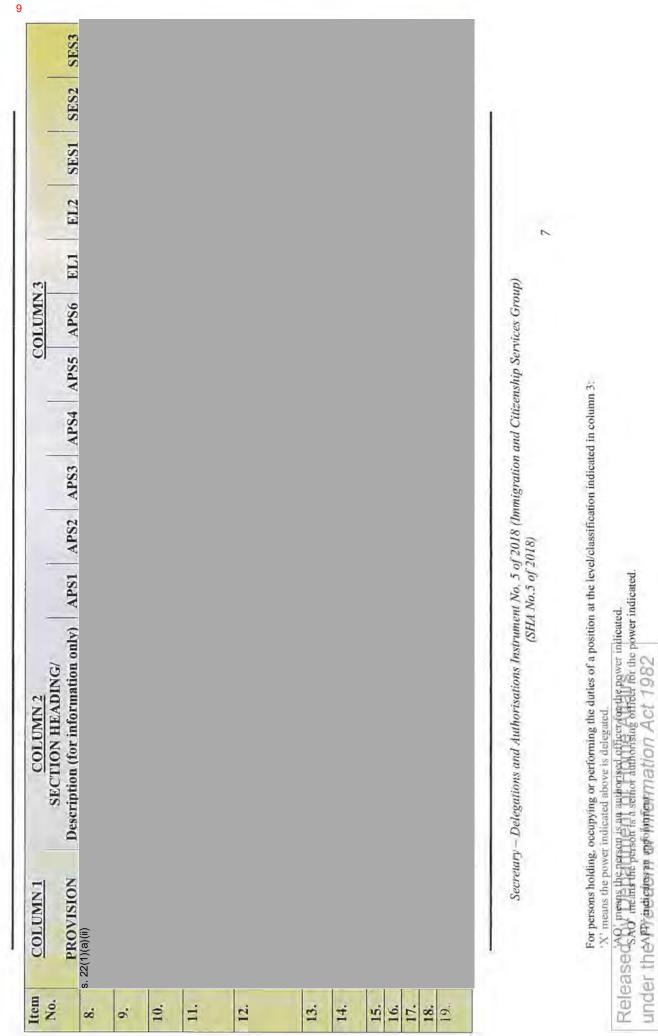
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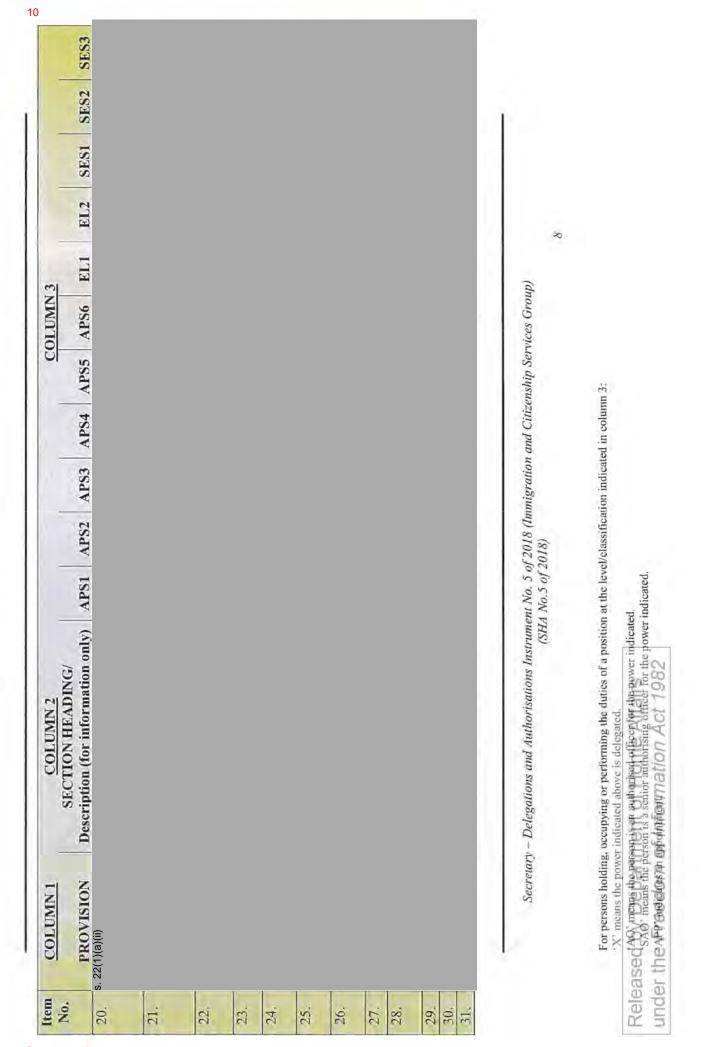
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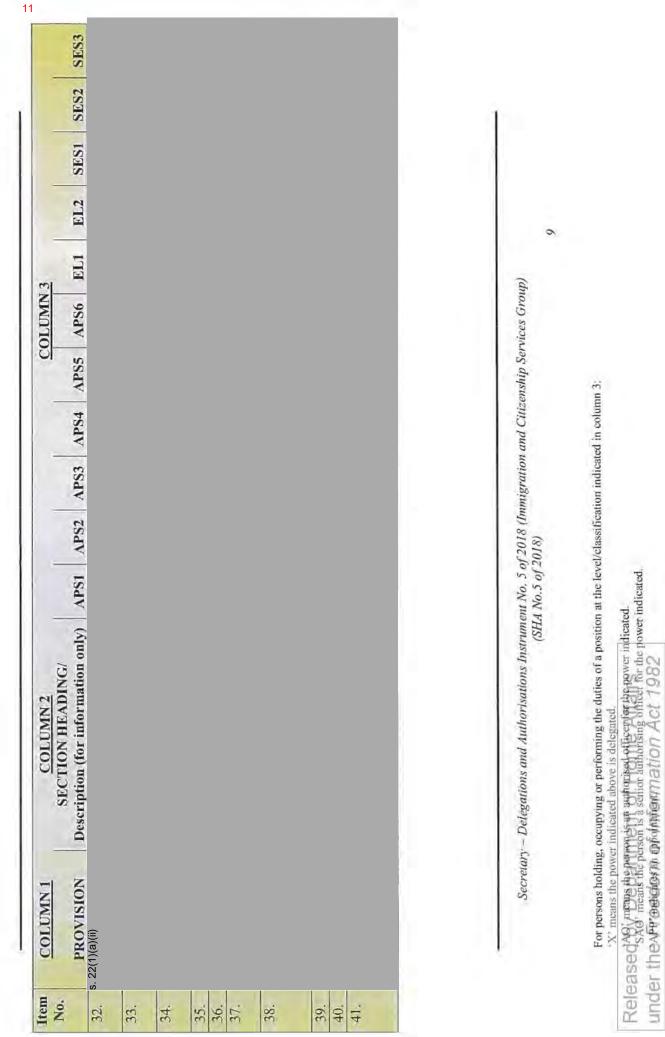
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f 2018 (Immigration and Citizenship Services Group) 2018)	14.	
f 2018 (Immigration and Citizenship Services Group) 2018)		
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y 2018 (Immigration and Citizenship Services Group) 2018)	17.	
of 2018 (Immigration and Citizenship Services Group) 2018) cl/classification indicated in column 3:	<u>50.</u>	
2018) 2018) classification indicated in column 3:	Constant Debastions and Aufonications Instrument No. 5 of 2018 (Immicrotion and Chizonshin Services Groun)	h
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.		
	For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3; "X" means the power indicated above is delegated.	

 3. 5. 5. 5. 5. 6. 6. 6. 7.
'X' means the power indicated above is delegated.

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COLUMN1 COLUMN2 SECTION HEADING/ PROVISION SECTION HEADING/ Description (for information only) s. 22(1)(a)(ii)			Secretary – Delegations and Authorisations Instrum (SH	For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated.

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	(vino	APS1 APS2	APS3	APS4	APS5	APS6	ELI	EL2	SES1	SES2	SES3
3CB	Material to be provided to Immigration Assessment Authority		x	X	x	x	x	x	X	x	x
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For persons holding, occupying	For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:	he level/classific	ation indicate	d in column	13:						
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Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No.5 of 2018)	migration and Citizenship Services Group) 15
For persons holding, occupying or performing the dutics of a position at the level/classification indicated in column 3: 'X' means the power indicated above is delegated. Rolosed APO, means the person is an authorised officer for the power indicated.	on indicated in column 3:

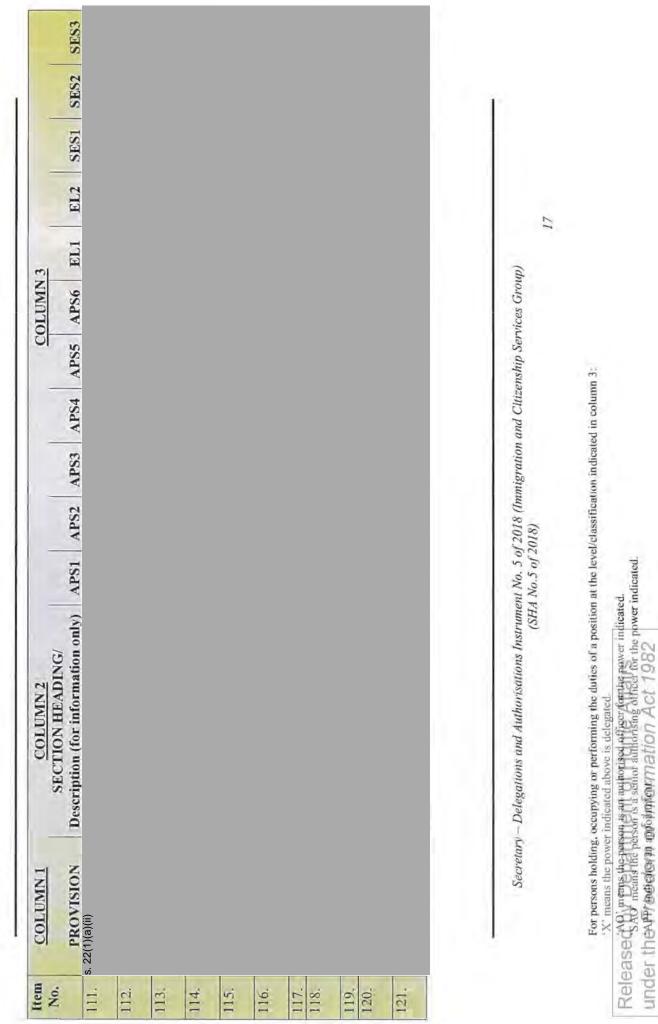
1 EL2 SES1 SES2 SES3				
COLUMN 3 APS3 APS4 APS5 APS6 EL1				Immigration and Citizenship Services Group)
COLUMN 2 SECTION HEADING/ Description (for information only) APS1 APS2				Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group) (SHA No.5 of 2018)
COLUMN1 SECTI				Secretary – Delegations c

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3: *X* means the power indicated above is delegated.

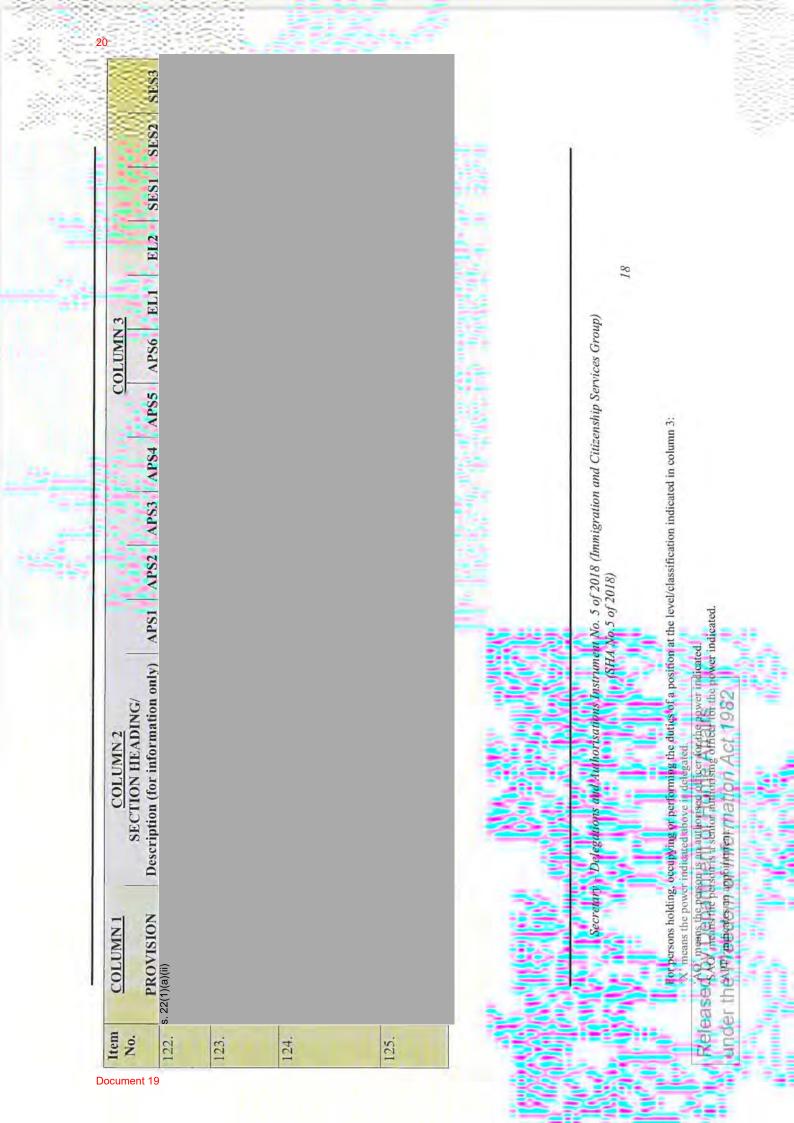
Released 40, means the person is a senior authorised officer for the power indicated. SAO' means the person is a senior authorising officer for the power indicated. under the APP metadory apploitment/mation Act 1982

Document 19

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19





1

Migration (Secretary) (Refugee and Humanitarian Visa Management Division) Delegation and Authorisation 2017 (GIDAS 6)

I, Michael Pezzullo, Secretary of the Department of Immigration and Border Protection:

- 1. acting under subsection 33(3) of the Acts Interpretation Act 1901, REVOKE the Instrument of Delegation and Authorisation 2015, GIDAS 6 Refugee and Humanitarian Visa Management, signed on 25 June 2015;
- 2. acting under subsection 496(2) of the Migration Act 1958 (the Act) and subregulation 1.16(2) of the Migration Regulations 1994 (the Regulations), DELEGATE my powers under those provisions of the Act and the Regulations specified in the relevant columns of Schedule 1 to this instrument to each person holding, occupying, or performing the duties of a position at the level or classification specified in the corresponding columns of Schedule 1 to this instrument; and
- 3. acting under the definition of "authorised officer" in regulation 1.03 of the Regulations, AUTHORISE each person holding, occupying or performing the duties of a position at the level or classification specified in the relevant columns of Schedule 2 to this instrument, to be an authorised officer for the purpose of the clause specified in Item 1 of Schedule 2 to this instrument.

This instrument, Migration (Secretary) (Refugee and Humanitarian Visa Management Division) Delegation and Authorisation 2017 (GIDAS 6), commences immediately upon signature.

Dated

MICHAEL PEZZULLO Secretary for Immigration and Border Protection

December 2017

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

Migration (Secretary) (Refugee and Humanitarian Visa Management Division) Delegation and Authorisation 2017 (GIDAS 6)

Title/description (for information only) AP3.3 AP3.4	ESAV			
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Persons holding, occupying or performing the duties of a position at the level/classification indicated with an "X" are delegated the powers listed in the corresponding columns.

3

s473CB Giving review material to the Immigration Assessment Authority in relation to Fast Track reviewable decisions X X X X S 22(1)(a)(ii)	× ×

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Item Power-	Power - Section/Regulation	Title/description (for information only)	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
s 22(1)(a)(i)	(ii)							

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4



Commonwealth of Australia

Migration Act 1958

Migration Regulations 1994

INSTRUMENT OF DELEGATION AND AUTHORISATION 2015

I, *MICHAEL PEZZULLO*, Secretary of the Department of Immigration and Border Protection acting under my powers in subsection 496(2) of the *Migration Act 1958* (the Act) and subregulation 1.16(2) of the *Migration Regulations 1994* (the Regulations), and acting under the definition of "authorised officer" in regulation 1.03 of the Regulations:

- 1. REVOKE the Instrument of Delegation and Authorisation 2015 GIDAS 6 Refugee and Humanitarian Visa Management signed on 2 March 2015; and
- 2. DELEGATE my powers under those provisions of the Act and the Regulations, excluding all instrument making powers, specified in the relevant columns in the Schedules to this Instrument to each person holding, or occupying or performing the duties of, a position at the level or classification indicated in the Schedules to this Instrument; and
- 3. AUTHORISE each person holding, or occupying or performing the duties of, a position at the level or classification indicated in the Schedules to this Instrument to be an authorised officer for the purposes of those provisions of the Regulations that are specified in the relevant columns of the Schedules to this Instrument.

This Instrument, GIDAS 6 Refugee and Humanitarian Visa Management, comes into effect at the commencement of Instrument GIDAM 6 Refugee and Humanitarian Visa Management.

Dated

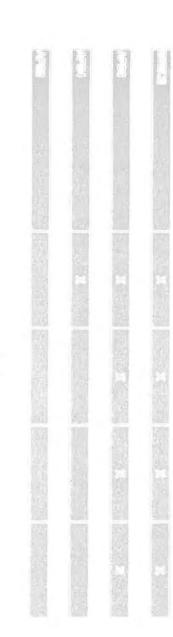
Secretary of the Department of Immigration and Border Protection

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Schedule 1
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Location and level or classification of position	Secretary's powers	Secretary's powers under the <i>Migration</i> Act 1958 and the <i>Migration</i> Regulations 1994 delegated by the Secretary
Refugee and Humanitarian Programme Branch	s473CB	s. 22(1)(a)(ii)
EXEC2	×	
EXEC1	×	
APS6	×	
APS5	×	
APS4	×	
APS3	×	
APS2		
APS1		



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Location and level or classification of position	on Secretary's powers under the <i>Migration Act 1958</i> and the <i>Migration Regu</i> 1994 delegated by the Secretary			ration Regulations
Temporary Protection Visa Assessment Branch	s473CB	Visa condition 8103	Visa condition 8108	Visa condition 8109
EXEC2	x	s. 22(1)(a)(ii)		
EXEC1	Х			
APS6	х			
APS5	Х			
APS4	Х			
APS3	Х			
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For persons holding, occupying or performing the duties of a position at the level/classification indicated at left : "X" means the power indicated is delegated "AO" means authorised officer

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Schedule 2

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Location and level or classification of position Onshore Protection Branch EXEC1 APS6 APS6 APS6 APS6 APS6 APS6 APS1 APS1

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Page 3 of 3



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Immigration Detention Group (Secretary) Instrument 2019

I, Michael Pezzullo, Secretary of the Department of Home Affairs, make the following instrument.

Dated 2019 ~ Michael Pezzullo Secretary of the Department of Home Affairs

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Part 1 - Preliminary

1 Name

- This instrument is the Immigration Detention Group (Secretary) Instrument 2019. (1)
- (2)It may be cited as LIN 19/030.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the Acts Interpretation Act 1901, the Australian Border Force Act 2015, the Crimes Act 1914, the Freedom of Information Act 1982, the Freedom of Information (Charges) Regulations 1982, the Migration Act 1958, the Migration Regulations 1994 and the Telecommunications (Interception and Access) Act 1979.

4 Definitions

Note 1: A number of expressions used in this instrument are defined in the relevant legislation, including the following:

- (b) *authorised officer* as defined in subsection 5(1) of the Migration Act and regulation 1.03 of the Migration Regulations;
- (c) *authorised officer* as defined in subsection 5(1) of the TIA Act;
- (d) *certifying officer* is defined in subsection 5(1) of the TIA Act;
- (e) Immigration and Border Protection worker is defined in subsection 4(1) of the ABF Act;
- (f) senior authorised officer is defined in subsection 261AE(8) of the Migration Act.
- Note 2: Section 2B and subsection 46(1) of the Acts Interpretation Act 1901 incorporate into this instrument the definitions of APS employee and SES employee from the Public Service Act 1999.

In this instrument:

ABF means the part of the Department known as the Australian Border Force.

ABF Act means the Australian Border Force Act 2015.

AIA means the Acts Interpretation Act 1901.

APS 1 means an APS employee who is classified as an Australian Public Service Level 1 employee under the Classification Rules.

Immigration Detention Group (Secretary) Instrument 2019

APS 2 means an APS employee who is classified as an Australian Public Service Level 2 employee under the Classification Rules.

APS 3 means an APS employee who is classified as an Australian Public Service Level 3 employee under the Classification Rules.

APS 4 means an APS employee who is classified as an Australian Public Service Level 4 employee under the Classification Rules.

APS 5 means an APS employee who is classified as an Australian Public Service Level 5 employee under the Classification Rules.

APS 6 means an APS employee who is classified as an Australian Public Service Level 6 employee under the Classification Rules.

Classification Rules means the rules made under section 23 of the *Public Service Act 1999*.

Crimes Act means the Crimes Act 1914.

Department means the Department of Home Affairs.

EL 1 means an APS employee who is classified as an Executive Level 1 employee under the Classification Rules.

EL 2 means an APS employee who is classified as an Executive Level 2 employee under the Classification Rules.

FOI Act means the Freedom of Information Act 1982.

FOI Charges Regulations means the Freedom of Information (Charges) Regulations 1982.

Migration Act means the Migration Act 1958.

Migration Regulations means the Migration Regulations 1994.

SES 1 means an APS employee who is classified as a Senior Executive Band 1 employee under the Classification Rules.

SES 2 means an APS employee who is classified as a Senior Executive Band 2 employee under the Classification Rules.

SES 3 means an APS employee who is classified as a Senior Executive Band 3 employee under the Classification Rules.

TIA Act means the Telecommunications (Interception and Access) Act 1979.

5 References to section or regulation

- (1) Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedules is a reference to the section (or subordinate part of a section) in the Act referred to in the heading immediately preceding that item.
- (2) Unless a contrary intention appears, a reference to a regulation (or subordinate part of a regulation) in an item in the Schedules is a reference to the regulation (or subordinate part of a regulation) in the legislative instrument referred to in the heading immediately preceding that item.

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Part 2 - Delegations and authorisations - the ABF Act

6 ABF Act delegations

Under section 53 of the ABF Act, the powers and functions specified in an item in column 1 of the table in Schedule 1 to this instrument are delegated to an Immigration and Border Protection worker from time to time holding, occupying, or performing the duties of a position in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.

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Immigration Detention Group (Secretary) Instrument 2019
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Part 3 - Delegations - the Crimes Act

7 Crimes Act delegations

- (1) Under subsection 15LH(2) of the Crimes Act, the powers and functions specified in an item in column 1 of the table in Schedule 2 are delegated to an Immigration and Border Protection worker from time to time holding, occupying or performing the duties of a position in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subsection 15MX(2) of the Crimes Act, the function specified in subsection 15ME of the Crimes Act is delegated to a person from time to time holding, occupying or performing the duties of an SES 3 classification in the Immigration Detention Group.

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Immigration Detention Group (Secretary) Instrument 2019

Part 4 – Delegations and authorisations - Migration legislation

8 Migration Act delegations

- (1) Under subsection 496(2) of the Migration Act, the powers specified in an item in column 1 of the table in Schedule 3 are delegated to a person from time to time holding, occupying, or performing the duties of a position in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers specified in an item in column 1 of the table in Schedule 3 are delegated to an officer from time to time holding, occupying, or performing the duties of a position in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.

9 Migration Act authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Immigration Detention Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3 is authorised to exercise the powers of an "authorised officer" specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the Immigration Detention Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 3 is authorised to exercise the powers or perform the functions of an "authorised officer" specified in column 1 of the table for that item.

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Immigration Detention Group (Secretary) Instrument 2019

Part 5 - Delegations, authorisation, approvals and nominations under the TIA Act

10 TIA Act nominations - persons that may apply for stored communications warrants on behalf of the Department

Under subsection 110(3) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 3 in the table in Schedule 4, is nominated for the purposes of subparagraph 110(2)(b)(ii) of the TIA Act.

11 TIA Act authorisations

- Under subsection 5AB(1) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 1 in the table in Schedule 4, is authorised to be "authorised officers" for the purposes of subparagraph (b)(iii) of the definition of "authorised officer" under subsection 5(1) of the TIA Act.
- (2) Under subsection 5AC(10) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 2 in the table in Schedule 4, is authorised to be "certifying officers".
 - Note: A person authorised under this subsection is also delegated under subsection 12(2) the powers and functions under subsection 122(2) of the TIA Act.
- (3) Under subsection 111(3) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 4 in the table in Schedule 4, is authorised for the purposes of subsection 111(2) of the TIA Act.

Note: A person nominated under this section is also authorised under subsection 11(3) of this instrument to be an authorised person for the purpose of subsection 111(2) of the TIA Act.

(4) Under subsection 135(2) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 8 in the table in the Schedule 4, is authorised to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the Department.

12 TIA Act delegations

- (1) Under subsection 53(1) of the ABF Act, the powers and functions under subsection 122(1) of the TIA Act are delegated to a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding, occupying or performing the duties of a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 of item 5 of the table in the Schedule 4.
- (2) Under subsection 122(3) of the TIA Act, the powers and functions under subsection 122(2) of the TIA Act are delegated to a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 of item 6 of the table in the Schedule 4.

13 TIA Act Approvals to exercise authority conferred by stored communication warrants

Under subsection 127(2) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" from time to time holding or occupying a position in the Immigration Detention Group, at the classification level identified by "X" in column 3 for item 7 in the table in Schedule 4, is approved to exercise the authority conferred by stored communications warrants, or classes of such warrants, issued to the Department.

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Immigration Detention Group (Secretary) Instrument 2019

Part 6 – Delegations and authorisations - Child Wellbeing Branch

14 Migration Act delegations

- (1) Under subsection 496(2) of the Migration Act, the powers specified in an item in column 1 of the table in Schedule 5, are delegated to a person from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.
- (2) Under subregulation 1.16(2) of the Migration Regulations, the powers specified in an item in column 1 of the table in Schedule 5, are delegated to an officer from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification level identified by "X" in column 3 of the table for that item.

15 Migration Act authorisations

- (1) Under the definition of "authorised officer" in subsection 5(1) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 5, is authorised to exercise the powers of an "authorised officer" specified in column 1 of the table for that item.
- (2) Under the definition of "authorised officer" in regulation 1.03 of the Migration Regulations, an officer from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification level identified by "AO" in column 3 for an item of the table in Schedule 5, is authorised to exercise the powers or perform the functions of an "authorised officer" specified in column 1 of the table for that item.
- (3) Under the definition of "senior authorised officer" in subsection 261AE(8) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification identified by "SAO" in column 3 for item 4 of the table in Schedule 5, is authorised to exercise the powers or perform the functions of a "senior authorised officer" for the purposes of subsection 261AE(8) of the Migration Act.
- (4) Under the definition of "senior authorised officer" in subsection 261AK(10) of the Migration Act, an officer from time to time holding, occupying, or performing the duties of a position in the Child Wellbeing Branch in the Immigration Detention Group at the classification identified by "SAO" in column 3 for item 5 of the table in Schedule 5, is authorised to exercise the powers or perform the functions of a

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"senior authorised officer" for the purposes of subsection 261 AK(10) of the Migration Act.

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Part 7 - Approval arrangements - the FOI Act

16 FOI Act delegations

Under subsection 23(1) of the FOI Act, a person from time to time holding, occupying or performing the duties of a position in the Immigration Detention Group at the classification levels EL 2 and SES 1 - SES 3 is approved to exercise, in accordance with this arrangement, the agency's powers and functions under the FOI Act and to exercise the discretionary powers given to the agency in the FOI Charges Regulations.

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Immigration Detention Group (Secretary) Instrument 2019

Part 8 - Appointments

17 Migration legislation appointments

- (1) Under subregulation 2.10A(2) of the Migration Regulations, for the purposes of section 46 of the Migration Act, an officer from time to time holding, occupying or performing the duties of a position in the Detention Operations Branch in the Immigration Detention Group at classification levels APS 5, APS 6, EL 1, EL 2 and SES 1-SES 3, is appointed to exercise the powers or perform the functions of a "detention review officer" in that subregulation.
- (2) Under subregulation 2.10B(2) of the Migration Regulations, for the purposes of section 46 of the Migration Act, an officer from time to time holding, occupying or performing the duties of a position in the Detention Operations Branch in the Immigration Detention Group at classification levels APS 5, APS 6, EL 1, EL 2 and SES 1-SES 3 is appointed to exercise the powers or perform the functions of a "authorised officer" in that subregulation.

18 TIA Act - Appointments to approve the exercise of authority conferred by stored communication warrants

Under subsection 127(3) of the TIA Act, for the purposes of subsection 127(2) of the TIA Act, a person referred to in paragraph (a) of the definition of "Immigration and Border Protection workers" who is, from time to time, holding or occupying a position in the Detention Operations Branch in Immigration Detention Group at the classification levels EL2 and SES1-SES3, is appointed to be an approved officer.

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Immigration Detention Group (Secretary) Instrument 2019

Part 9 - Revocation

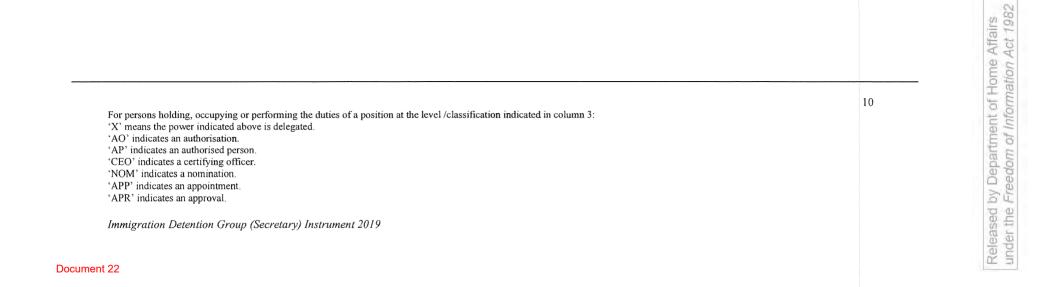
19 Revocation of delegation of powers in *Instrument of Delegation 2015 (DEL 15/070)*

Acting under my powers in subregulation 1.16(2) of the Migration Regulations and subsection 33(3) of the Acts Interpretation Act, the *Instrument of Delegation* 2015 (DEL 15/070) made under paragraphs 1.03(a) and (b) of the definition of "special program of seasonal work" in the Migration Regulations for the Children, Community & Settlement Services Division is revoked.

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Schedule 1 - Delegations and authorisations under the ABF Act

<u>COLUMN 2</u>		COLU	U <u>MN 3</u>	
SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	SECTION HEADING/Description (for information only) 015			



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	Schedule 2 - Deleg	ations under the Crimes Act		
Item				
No.	COLUMN 1	<u>COLUMN 2</u>		UMN 3
	PROVISION	SECTION HEADING/Description (for information only)	APS1-4 APS5-6	EL1-2 SES1-3
	es Act 1914			
	s. 22(1)(a)(ii)			
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Schedule 3 – Delegations and authorisations under the Migration Act and the Migration Regulations

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No. COLUMN 1 COLUMN 2 PROVISION SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6	EL1 - 2 SES1 - 3
S. 22(1)(a)(ii) 1. 2. 3. 4. 5. 6. 7. 8. 9.		
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorisation. 'AP' indicates an authorised person. 'CEO' indicates a certifying officer. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval. <i>Immigration Detention Group (Secretary) Instrument 2019</i>		12

Item			
No.	COLUMN 1	<u>COLUMN 2</u>	<u>COLUMN 3</u>
10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25.	PROVISION s. 22(1)(a)(ii)	SECTION HEADING/Description (for information only)	APS1-4 APS5-6 EL1-2 SES1-3
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40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 55. 56. 57.	PROVISION s. 22(1)(a)(ii)	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6	EL1 - 2 SES1 - 3
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· · · · · · · · · · · · · · · · · · ·	PROVISION s. 22(1)(a)(ii)	SECTION HEADING/Description (for information only)	APS1 - 4 APS5 - 6	EL1 - 2 SES1 - 3
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PROVISION	SECTION HEADING/Description (for information only) APS1 - 4	APS5 - 6 EL1 -	2 SES1 - 3
s. 22(1)(a)(ii)			
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•	g occupying or performing the duties of a position at the level /classification indicated in column 3:	17	
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PROVISION 97. s. 22(1)(a)(ii) 98. 99. 100. 101. 102. 103. 104. 105. 106. 107.	SECTION HEADING/Description (for information only)	APS1-4 APS5-6	EL1 - 2 SES1 - 3
108. 109. 110. 111.			19

Schedule 4 – Delegations, authorisations, approvals and nominations under the TIA Act

Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>		<u>C</u>	OLUMN 3	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 EL2	SES1 - 3
Teleco	mmunications (Inte a. 22(1)(a)(ii)	erception and Access) Act 1979				
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Schedule 5 – Additional delegations and authorisations for Child Wellbeing Branch

Item													
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>					<u>C</u>	<u>OLUMN</u>	<u>3</u>				
	PROVISION	SECTION HEADING/Description	on APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migra	ition Act 1958	(for information only)		AI 52	AI 55	AI 54	AI 33					5652	SE SS
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33.	s. 22(1)(a)(ii)												

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated. 'AO' indicates an authorised person. 'AP' indicates an authorised person. 'CEO' indicates a nomination. 'NOM' indicates a nomination. 'APP' indicates an appointment. 'APR' indicates an approval. *Immigration Detention Group (Secretary) Instrument 2019*

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