



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

MICHAEL 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 26IAE(8) of the Migration Act for the purpose of that section.
- (d) *senior authorising officer* is defined in subsection 26IAK(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*.

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.

Part 1 Preliminary

Section 4

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.

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.

Part 2 AusCheck RegulationsSection 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.

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 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*.

Part 4 ATS RegulationsSection 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.

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.

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.

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.

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.

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

- (1) 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.

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.

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).

Schedule 1 Delegations under the AusCheck Regulations

Schedule 1—Delegations under the AusCheck Regulations

For Part 2 of the instrument.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	AusCheck Regulations 2017												
1.	s. 22(1)(a)(ii)												
2.													
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.

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

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													

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 No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
12.	s. 22(1)(a)(ii)												
13.													
14.													
15.													

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 1 Delegations under the AusCheck Regulations

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
16.	s. 22(1)(a)(ii)												
17.													
18.													

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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.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
19.	s. 22(1)(a)(ii)												
20.													
21.													

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

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 1 Delegations under the AusCheck Regulations

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

'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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
25.	s. 22(1)(a)(ii)												
26.													
27.													

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

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
28.	s. 22(1)(a)(ii)												
29.													
30.													
31.													
32.													
33.													

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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.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
34.	s. 22(1)(a)(ii)												
35.													
36.													
37.													

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

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 2 Delegations under the ATS Regulations

Schedule 2—Delegations under the ATS Regulations

For Part 4 of the instrument.

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Aviation Transport Security Regulations 2005												
1.	s. 22(1)(a)(ii)												
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.

'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 3—Delegations under the Crimes Act

For Part 5 of the instrument.

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

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

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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.

'AP' indicates an authorised person.

'CTO' indicates a certifying officer.

'NOM' indicates a nomination.

'APP' indicates an appointment.

'APR' indicates an approval.

Schedule 3 Delegations under the Crimes Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
		assumed identity											
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													
12.													

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

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

27

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 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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Migration Act 1958												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

28

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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'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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
5.													
6.													
7.													
8.													
9.													
10.													
11.													

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

29

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
12.	s. 22(1)(a)(ii)												
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													

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

31

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
32.													
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
41.	s. 22(1)(a)(ii)												
42.													
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													
51.													
52.													

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

33

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
53.													
54.													
55.													
56.													
57.													
58.													
59.													
60.													

34

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
61.	s. 22(1)(a)(ii)												
62.													
63.													
64.													
65.													
66.													

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

35

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
67.													
68.													
69.													
70.													
71.													
72.													
73.													

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
74.	s. 22(1)(a)(ii)												
75.													
76.													
77.													
78.													
79.													
80.													
81.													

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

37

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
82.													
83.													
84.													
85.													
86.													
87.	s473CB	Material to be provided to Immigration Assessment Authority									X	X	X
88.	s. 22(1)(a)(ii)												
89.													

38

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
90.	s. 22(1)(a)(ii)												
91.													
92.													
93.													
94.													
95.													

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

39

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
96.													
97.													
98.													
99.													
100.													
101.													
102.													
103.													

40

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

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

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

41

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
112.													
113.													
114.													
115.													
116.													
117.													
118.													
119.													
120.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
121.	s. 22(1)(a)(ii)												
122.													
123.													
124.													
125.													
126.													
127.													

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

43

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
128.	s. 22(1)(a)(ii)												
129.													

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

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Table 2

Item No.	Column 1	Column 2	Column 3					Column 4
	Provision	Description (for information only)	EL1	EL2	SES1	SES2	SES3	Work area
1.	s. 22(1)(a)(ii)							

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

45

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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.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Telecommunications (Interception and Access) Act 1979													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
5.													
6.													
7.													
8.													

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

47

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

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

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

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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.

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

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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 Act means the *Migration Act 1958*.

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

- (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 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.

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													

Department of Home Affairs
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’ means the person is an authorised officer for the power indicated.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

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Information Act 1982

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
21.	s. 22(1)(a)(ii)												
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													
32.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
33.	s. 22(1)(a)(ii)												
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													
51.													
52.													
53.													
54.													
55.													

Department of Home Affairs
Bureau of Information Act 1982

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
56.	s. 22(1)(a)(ii)													
57.														
58.														
59.														
60.														
61.														
62.														
63.														
64.														

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
65.	s. 22(1)(a)(ii)												
66.													
67.													
68.													
69.													
70.													
71.													
72.													
73.													
74.													

Department of Home Affairs
of Information Act 1982

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
75.	s. 22(1)(a)(ii)												
76.													
77.													
78.													
79.													
80.													
81.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
82.	s. 22(1)(a)(ii)												
83.	s473CB	Material to be provided to Immigration Assessment Authority									X	X	X
84.	s. 22(1)(a)(ii)												
85.													
86.													
87.													
88.													
89.													
90.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
91.	s. 22(1)(a)(ii)												
92.													
93.													
94.													
95.													
96.													
97.													
98.													
99.													
100.													
101.													
102.													

Department of Home Affairs

of Information Act 1982

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
103.	s. 22(1)(a)(ii)												
Migrati													
104.													
105.													
106.													
107.													
108.													
109.													
110.													
111.													
112.													
113.													
114.													
115.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
116.	s. 22(1)(a)(ii)												
117.													
118.													
119.													
120.													
121.													
122.													
123.													
124.													
125.													
126.													
127.													
128.													

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	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
129.	s. 22(1)(a)(ii)													
130.														
131.														
132.														

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



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 *30 June* 2019

MP
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*.

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Part 1 Preliminary

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*.

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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.

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Part 2 AusCheck RegulationsSection 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 RegulationsSection 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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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, 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.

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Part 7 Migration Act and Migration Regulations**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.

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.

15 Authorisations

- (1) 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*.

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.

- (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

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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.

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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.

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Schedule 1 Delegations under the AusCheck Regulations

Schedule 1—Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
AusCheck Regulations 2017													
1.	s. 22(1)(a)(ii)												
2.													
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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'AP' indicates an authorised person.

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'NOM' indicates a nomination.

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

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

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

15

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Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
12.	s. 22(1)(a)(ii)												
13.													
14.													
15.													

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

17

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Schedule 1 Delegations under the AusCheck Regulations

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
16.	s. 22(1)(a)(ii)												
17.													
18.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
19.	s. 22(1)(a)(ii)												
20.													
21.													

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

19

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Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
22.	s. 22(1)(a)(ii)												
23.													
24.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
25.	s. 22(1)(a)(ii)												
26.													
27.													

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

21

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Schedule 1 Delegations under the AusCheck Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
28.	s. 22(1)(a)(ii)												
29.													
30.													
31.													
32.													
33.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
34.	s. 22(1)(a)(ii)												
35.													
36.													
37.													

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

23

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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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Aviation Transport Security Regulations 2005												
1.	s. 22(1)(a)(ii)												
2.													

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.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crimes Act 1914													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													

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

25

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
8.													
9.													
10.													
11.													
12.													

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Schedule 4—Delegations under the MTOFS Regulations

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

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

27

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Released by Department of Home Affairs
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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

Table 1

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
5.													
6.													
7.													
8.													
9.													
10.													
11.													

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

29

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
20.	s. 22(1)(a)(ii)												
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													

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

31

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
29.	s. 22(1)(a)(ii)												
30.													
31.													
32.													
33.													
34.													
35.													
36.													
37.													
38.													
39.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
40.	s. 22(1)(a)(ii)												
41.													
42.													
43.													
44.													
45.													
46.													
47.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
48.	s. 22(1)(a)(ii)												
49.													
50.													
51.													
52.													
53.													
54.													
55.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
56.	s. 22(1)(a)(ii)												
57.													
58.													
59.													
60.													
61.													

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

35

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
62.													
63.													
64.													
65.													
66.													
67.													

36

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
68.	s. 22(1)(a)(ii)												
69.													
70.													
71.													
72.													
73.													
74.	s473CB	Material to be provided to Immigration									X	X	X

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

37

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
75.													
76.													
77.													
78.													
79.													

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'APR' indicates an approval.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
80.													
81.													
82.													
83.													
84.													
85.													
86.													

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

39

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.

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
87.	s. 22(1)(a)(ii)												
88.													
89.													
90.													
91.													
92.													
93.													
94.													
95.													

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
96.	s. 22(1)(a)(ii)												
97.													
98.													
99.													
100.													

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

41

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.

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

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

Table 2

Item No.	COLUMN 1		COLUMN 2		COLUMN 3			COLUMN 4	
	PROVISION	SECTION HEADING/ Description (for information only)	EL1	EL2	SES 1	SES 2	SES 3	Work Area	
101.	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 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.

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Telecommunications (Interception and Access) Act 1979												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

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

43

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.

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

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

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

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

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

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

45

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.

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



**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

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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*.

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.

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.

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.

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.

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
 - d) 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).

Schedule 1 – Delegations under the Crimes Act

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crimes Act 1914													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													
10.													

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ 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.

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

Schedule 2 – Delegations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													

Immigration and Refugee Affairs
Immigration Act 1982

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:

‘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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													
21.													

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:

‘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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
22.	s. 22(1)(a)(ii)												
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													
32.													
33.													
34.													
35.													
36.													

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:

‘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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
37.	s. 22(1)(a)(ii)												
38.													
39.													
40.													
41.													
42.													
43.													
44.													
45.													
46.													
47.													

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

12

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
48.	s. 22(1)(a)(ii)												
49.													
50.													
51.													
52.													
53.													
54.													
55.													
56.													
57.													
58.													
59.													
60.													

Public Affairs
in Act 1982

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

13

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
61.	s. 22(1)(a)(ii)												
62.													
63.													
64.													
65.													
66.													
67.													
68.													
69.													
70.													

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

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 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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
71.	s. 22(1)(a)(ii)												
72.													
73.													
74.													
75.													
76.													
77.													
78.													
79.													
80.													

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

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 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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
81.	s. 22(1)(a)(ii)												
82.													
83.		Material to be provided to Immigration Assessment Authority									X	X	X
84.	s. 22(1)(a)(ii)												
85.													
86.													
87.													
88.													
89.													

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

16

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
90.	s. 22(1)(a)(ii)												
91.													
92.													
93.													
94.													
95.													
96.													
97.													
98.													
99.													
100.													
101.													

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

17

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
102.	s. 22(1)(a)(ii)												
103.													
Migr													
104.													
105.													
106.													
107.													
108.													
109.													
110.													
111.													
112.													

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

18

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
113.	s. 22(1)(a)(ii)												
114.													
115.													
116.													
117.													
118.													
119.													
120.													
121.													
122.													
123.													

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

19

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

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

20

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.

Schedule 3 – Authorisation under the TIA Act

Item No.	COLUMN 1		COLUMN 2				COLUMN 3						
	PROVISION	SECTION HEADING/ 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:

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Joint Agency Task Force (Secretary) Instrument 2019

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

Dated *30 June* 2019

MP
Michael Pezzullo
Secretary of the Department of Home Affairs

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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.

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.

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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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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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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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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.

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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 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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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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Schedule 1 - Delegations and Authorisations under the ABF Act

Item						
No.	COLUMN 1		COLUMN 2		COLUMN 3	
	PROVISION		Provision description (for information only)		APS1 - 4	APS5 - 6
Australian Border Force Act 2015						
1.	s. 22(1)(a)(ii)					
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 approval.

Joint Agency Task Force (Secretary) Instrument 2019

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Schedule 2 - Delegations and Nominations under the Crimes Act

Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
Crimes Act 1914						
1.	s. 22(1)(a)(ii)					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						

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

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Joint Agency Task Force (Secretary) Instrument 2019

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
12.	s. 22(1)(a)(ii)					
13.						

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

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Joint Agency Task Force (Secretary) Instrument 2019

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Schedule 3 – Delegations, Authorisations and Appointments under Migration Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	Migration Act 1958					
	s. 22(1)(a)(ii)					
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

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

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Joint Agency Task Force (Secretary) Instrument 2019

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
11.	s. 22(1)(a)(ii)					
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						

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Joint Agency Task Force (Secretary) Instrument 2019

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
26.	s. 22(1)(a)(ii)					
27.						
28.						
29.						
30.						
31.						
32.						
33.						
34.						
35.						
36.						
37.						
38.						
39.						

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Joint Agency Task Force (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	s. 22(1)(a)(ii)					
40.						
41.						
42.						
43.						
44.						
45.						
46.						
47.						
48.						
49.						
50.						
51.						
52.						
53.						
54.						
55.						

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Item					
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>		
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2 SES1 - 3
56.	s. 22(1)(a)(ii)				
57.					
58.					
59.					
60.					
61.					
62.					
63.					
64.					
65.					
66.					
67.					
68.					
69.					
70.					

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Joint Agency Task Force (Secretary) Instrument 2019

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
71.	s. 22(1)(a)(ii)					
72.						
73.						
74.						
75.						
76.						
77.	s473CB	473CB Material to be provided to Immigration Assessment Authority				X
78.	s. 22(1)(a)(ii)					
79.						
80.						
81.						
82.						

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
83.	s. 22(1)(a)(ii)					
84.						
85.						
86.						
87.						
88.						
89.						
90.						
91.						
92.						
93.						
94.						

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
95.	s. 22(1)(a)(ii)					
96.						
97.						
98.						
99.						
Migra						
100.						
101.						
102.						
103.						
104.						
105.						
106.						
Migra						
107.						
108.						

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
109.	s. 22(1)(a)(ii)					
110.						
111.						
112.						
113.						
114.						
115.						
116.						
117.						
118.						
119.						
120.						
121.						

23

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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Joint Agency Task Force (Secretary) Instrument 2019

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	Provision description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
122.	s. 22(1)(a)(ii)					
123.						
124.						
125.						
126.						
127.						
128.						
129.						
130.						
131.						
132.						

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

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Joint Agency Task Force (Secretary) Instrument 2019

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

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

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Joint Agency Task Force (Secretary) Instrument 2019

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

Item									
No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>				
	PROVISION		SECTION-HEADING/Provision d	Description (for information only)	APS1 - 4	APS5 - 6	EL1	EL2	SES1 - 3
	Telecommunications (Interception and Access) Act 1979								
1.	s. 22(1)(a)(ii)								
2.									
3.									
4.									
5.									
6.									
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 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

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

8.	s. 22(1)(a)(ii)
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.
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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 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



**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

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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.

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

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.

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;

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Migration Act 1958												
1.	s. 22(1)(a)(ii)												
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 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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

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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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
21.	s. 22(1)(a)(ii)												
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													
32.													
33.													
34.													
35.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
36.	s. 22(1)(a)(ii)												
37.													
38.													
39.													
40.													
41.													
42.													
43.													
44.													
45.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
46.	s. 22(1)(a)(ii)												
47.													
48.													
49.													
50.													
51.													
52.													
53.													
54.													
55.													
56.													
57.													
58.													
59.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
60.	s. 22(1)(a)(ii)												
61.													
62.													
63.													
64.													
65.													
66.													
67.													
68.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
69.	s. 22(1)(a)(ii)												
70.													
71.													
72.													
73.													
74.													
75.													
76.													
77.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
78.	s. 22(1)(a)(ii)												
79.													
80.													
81.													
82.	s473CB	Material to be provided to Immigration Assessment Authority					X	X	X	X	X	X	X
83.	s. 22(1)(a)(ii)												
84.													
85.													
86.													
87.													

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 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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
88.	s. 22(1)(a)(ii)												
89.													
90.													
91.													
92.													
93.													
94.													
95.													
96.													
97.													
98.													
99.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
100.	s. 22(1)(a)(ii)												
101.													
102.													
103.													
Migra													
104.													
105.													
106.													
107.													

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
108.	s. 22(1)(a)(ii)												
109.													
110.													
111.													
112.													
113.													
114.													
115.													
116.													
117.													

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. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
118.	s. 22(1)(a)(ii)												
119.													
120.													
121.													
122.													
123.													
124.													

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. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)

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

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. 3 of 2018 (Corporate and Enabling Group) (SHA No. 3 of 2018)



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 30th June 2017

MICHAEL PEZZULLO

Secretary of the Department of Immigration and Border Protection

LEGISLATION BRANCH, COMMERCIAL AND EMPLOYMENT LAW BRANCH AND LEGAL ADVICE & OPERATIONAL SUPPORT BRANCH						
Row 1	Power - Section/Regulation	Title/description (for information only)	APS 5	APS 6	EXEC 1	EXEC 2
Row 2	s. 22(1)(a)(ii)					

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under the *Freedom of Information Act 1982*

Row 1	AAT LIAISON SECTION 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	X	X	X

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 indicated is delegated



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

MICHAEL PEZZULLO
Secretary of the Department of Immigration and Border Protection

s. 22(1)(a)(ii)

Row 1	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	X	X	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 *26th August* 2016

A handwritten signature in blue ink, appearing to read 'P. Pezzullo'.

Secretary of the Department of Immigration and Border Protection

Location and level or classification of position	Secretary of the Department of Immigration and Border Protection's powers under the <i>Migration Act 1958</i> delegated to officers												
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 officers
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

For persons holding, occupying or performing the duties of a position at the level / classification indicated on left:

"X" means power indicated in the row above is delegated

"AO" means authorised officer

**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.

Dated 25th June 2015

A handwritten signature in blue ink, appearing to read 'MP' or similar initials.

Secretary of the Department of Immigration and Border Protection

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

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 officers are made authorised officers by the Secretary
	s. 22(1)(a)(ii)

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 officers are made authorised officers by the Secretary
Tribunals Liaison and Review Implementation Section in the Legal Advice and Operation Support Branch only	s473CB
EXEC2	X
EXEC1	X
APS6	X



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.

Dated 10th April 2018

Michael Pezzullo
Secretary of the Department of Home Affairs

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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.

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

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

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.

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.

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.

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.

Part 7 - Revocation

18 Revocation of instruments

- (1) 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 or perform the functions in relation to the nomination.

(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>		<u>COLUMN 2</u>		<u>COLUMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	Australian Border Force Act 2015					
1.	s. 22(1)(a)(ii)					
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 approval.

Australian Border Force (Secretary) No. 1 of 2018

Schedule 2 - Delegations and Nominations under the Crimes Act

Item						
No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
Crimes Act 1914						
1.	s. 22(1)(a)(ii)					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
13.	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 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

Schedule 3 – Delegations, Authorisations and Appointments under Migration Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
	Migration Act 1958					
1.	s. 22(1)(a)(ii)					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>					
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3		
11.	s. 22(1)(a)(ii)							
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								
21.								
22.								
23.								
24.								
25.								
26.								

Home Affairs

ion 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 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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
27.	s. 22(1)(a)(ii)					
28.						
29.						
30.						
31.						
32.						
33.						
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35.						
36.						
37.						
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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.

Australian Border Force (Secretary) No. 1 of 2018

Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
41.	s. 22(1)(a)(ii)					
42.						
43.						
44.						
45.						
46.						
47.						
48.						
49.						
50.						
51.						
52.						
53.						
54.						
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58.						

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.

‘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>		<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)		APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
59.	s. 22(1)(a)(ii)						
60.							
61.							
62.							
63.							
64.							
65.							
66.							
67.							
68.							
69.							
70.							
71.							
72.							

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
73.	s. 22(1)(a)(ii)					
74.						
75.						
76.						
77.	s473CB	473CB Material to be provided to Immigration Assessment Authority				X
78.	s. 22(1)(a)(ii)					
79.						
80.						
81.						
82.						
83.						
84.						
85.						
86.						
87.						

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
88.	s. 22(1)(a)(ii)					
89.						
90.						
91.						
92.						
93.						
94.						
95.						
96.						
97.						
98.						
99.						

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>		<u>COLUMN 2</u>		<u>COLUMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
Migration Agents Regulations 1998						
100.	s. 22(1)(a)(ii)					
101.						
102.						
103.						
104.						
105.						
106.						
Migration Regulations 1994						
107.	s. 22(1)(a)(ii)					
108.						
109.						
110.						
111.						
112.						
113.						

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>				
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3	
114.	s. 22(1)(a)(ii)						
115.							
116.							
117.							
118.							
119.							
120.							
121.							
122.							
123.							
124.							
125.							
126.							

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>		<u>COLUMN 2</u>		<u>COLUMN 3</u>	
	PROVISION		SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2 SES1 - 3
127.	s. 22(1)(a)(ii)					
128.						
129.						
130.						
131.						
132.						
133.						
134.						
135.						

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

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
Telecommunications (Interception and Access) Act 1979							
1.	s. 22(1)(a)(ii)						
2.							
3.							
4.							
5.							
6.							
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 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

8.	s. 22(1)(a)(ii)
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.

Australian Border Force (Secretary) No. 1 of 2018



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* 2019

MICHAEL PEZZULLO
Secretary of the Department of Home Affairs

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

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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: 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.

Part 1 Preliminary

Section 5

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

- (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.

Part 2 AusCheck RegulationsSection 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.

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*.

Part 4 ATS RegulationsSection 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.

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.

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.

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

- (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 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.

Part 8 RevocationSection 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.

Schedule 1—Delegations under the AusCheck Regulations

For Part 2 of the instrument.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	AusCheck Regulations 2017												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													

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

11

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
5.	s. 22(1)(a)(ii)												
6.													
7.													
8.													
9.													

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.

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

Delegations under the AusCheck Regulations **Schedule 1**

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													
13.													
14.													

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

13

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
15.	s. 22(1)(a)(ii)												
16.													
17.													
18.													

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.

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

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

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.

'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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
20.	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 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**

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

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

17

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
23.	s. 22(1)(a)(ii)												
24.													
25.													
26.													

18

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.

Delegations under the AusCheck Regulations **Schedule 1**

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
27.	s. 22(1)(a)(ii)												
28.													
29.													
30.													
31.													
32.													

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

19

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
33.	s. 22(1)(a)(ii)												
34.													
35.													
36.													
37.													

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 2—Delegations under the ATS Regulations

For Part 4 of the instrument.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Aviation Transport Security Regulations 2005												
1.	s. 22(1)(a)(ii)												
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.

'SAO' indicates that the person is a senior authorising 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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
1.	Crimes Act 1914 s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													
10.													

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 under the Crimes Act **Schedule 3**

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

Secretary Instrument 2019 (Powers 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/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 4 Delegations under the MTOFS Regulations

Schedule 4—Delegations under the MTOFS Regulations

For Part 6 of the instrument.

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

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

For Part 7 of the instrument.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													

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

25

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													

26

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
20.													
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													

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

27

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
32.	s. 22(1)(a)(ii)												
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													

28

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													

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

29

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
51.	s. 22(1)(a)(ii)												
52.													
53.													
54.													
55.													
56.													
57.													
58.													
59.													
60.													
61.													

30

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
62.													
63.													
64.													
65.													
66.													
67.													
68.													
69.													

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.

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

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
70.													
71.													
72.													
73.													
74.													
75.													
76.													
77.													

32

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
78.													
79.													
80.													
81.													
82.													
83.													
84.													
85.													
86.													
87.	s473CB	Material to be provided to Immigration Assessment Authority									X	X	

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

33

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
88.	s. 22(1)(a)(ii)												
89.													
90.													
91.													
92.													
93.													
94.													

34

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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
95.	s. 22(1)(a)(ii)												
96.													
97.													
98.													
99.													
100.													
101.													
102.													
103.													
104.													
105.													
106.													

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

35

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
107.	s. 22(1)(a)(ii)												
108.													
109.													
Migrat													
110.													
111.													
112.													
113.													
114.													
115.													
116.													

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
117.	s. 22(1)(a)(ii)												
118.													
119.													
120.													
121.													
122.													
123.													
124.													
125.													
126.													
127.													

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

37

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 5 Delegations and authorisations under the Migration Act and Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
128.	s. 22(1)(a)(ii)												
129.													

38

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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*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

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*.

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

- (1) 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 September 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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
AusCheck Regulations 2017													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													

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

13

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 No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>								
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
6.	s. 22(1)(a)(ii)												
7.													
8.													
9.													
10.													

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

14

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.

‘APP’ indicates an appointment.

‘APR’ indicates an approval.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
11.	s. 22(1)(a)(ii)												
12.													
13.													
14.													
15.													
16.													
17.													

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

15

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

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‘CTO’ indicates a certifying officer.

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‘APP’ indicates an appointment.

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Item No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>								
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
18.	s. 22(1)(a)(ii)												
19.													
20.													
21.													
22.													
23.													
24.													

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

16

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
25.	s. 22(1)(a)(ii)												
26.													
27.													
28.													
29.													
30.													
31.													

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

17

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
32.	s. 22(1)(a)(ii)												
33.													
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

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 2 – Delegations under the ATS Regulations

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Aviation Transport Security Regulations 2005												
1.	s. 22(1)(a)(ii)												
2.													

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

19

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 3 – Delegations and Authorisations under the Crimes Act

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Crimes Act 1914													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													

Affairs
Act 1982

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

20

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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‘AP’ indicates an authorised person.

‘CTO’ indicates a certifying officer.

‘NOM’ indicates a nomination.

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ 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)

21

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.

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‘APP’ indicates an appointment.

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Schedule 4 – Delegations and Authorisations under the MTOFS Regulation

Item No.	COLUMN 1		COLUMN 2		COLUMN 3								
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Maritime Transport and Offshore 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)

22

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.

‘APP’ indicates an appointment.

‘APR’ indicates an approval.

Schedule 5 – Delegations and Authorisations under the Migration Act and Migration Regulations

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													

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

23

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.

‘APP’ indicates an appointment.

‘APR’ indicates an approval.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
9.	s. 22(1)(a)(ii)												
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													

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

24

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
20.	s. 22(1)(a)(ii)												
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													

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

25

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
32.	s. 22(1)(a)(ii)												
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													

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

26

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													

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

27

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
51.	s. 22(1)(a)(ii)												
52.													
53.													
54.													
55.													
56.													
57.													
58.													
59.													
60.													

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

28

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
61.	s. 22(1)(a)(ii)												
62.													
63.													
64.													
65.													
66.													
67.													
68.													
69.													

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

29

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
70.	s. 22(1)(a)(ii)												
71.													
72.													
73.													
74.													
75.													
76.													
77.													

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

30

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
78.	s. 22(1)(a)(ii)												
79.													
80.													
81.													
82.													
83.													
84.													
85.													
86.													

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

31

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
87.	s473CB	Material to be provided to Immigration Assessment Authority									X	X	X
88.	s. 22(1)(a)(ii)												
89.													
90.													
91.													
92.													
93.													

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

32

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
94.	s. 22(1)(a)(ii)												
95.													
96.													
97.													
98.													
99.													
100.													
101.													
102.													

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

33

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
103.	s. 22(1)(a)(ii)												
104.													
105.													
106.													
107.													
108.													
109.													
Migr													
110.													
111.													
112.													
113.													

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

34

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
114.	s. 22(1)(a)(ii)												
115.													
116.													
117.													
118.													
119.													
120.													
121.													
122.													
123.													
124.													
125.													

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

35

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
126.	s. 22(1)(a)(ii)												
127.													
128.													
129.													

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

36

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‘NOM’ indicates a nomination.

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

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

37

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
5.	s. 22(1)(a)(ii)												
6.													
7.													
8.													
9.													

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

38

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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 Nov

2019

Michael Pezzullo

Secretary of the Department of Home Affairs

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Part 1 - Preliminary

1 Name

- (1) 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 1: 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 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.

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

(c) in the Security and Resilience Group at the classification level of SES3.

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.

Security and Resilience Group (Secretary) Instrument 2019

6

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

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

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:
 - (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.

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.

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 .

Security and Resilience Group (Secretary) Instrument 2019

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 that the person is an authorized officer for the power indicated

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

Schedule 1 – Delegations under the Aviation Transport Security Act 2004

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	TD1	EL2	SES1	SFS2	SPS3
s. 22(1)(a)(ii)								

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

Means the power indicated above is delegated

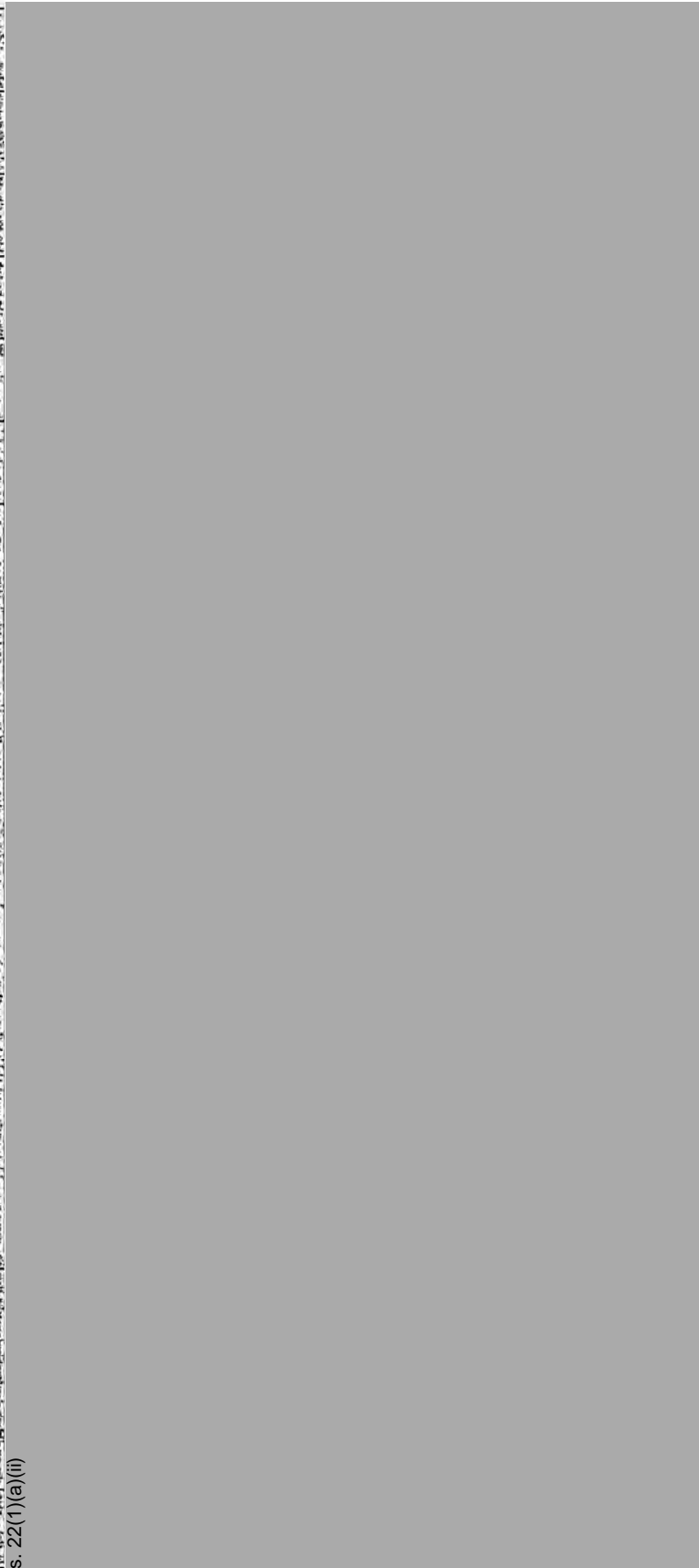
Indicates that the person is an authorized officer for the power indicated

under the Freedom of Information Act 1982

Schedule I

Item No.	Column 1 Power(s) for function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegation					
			AFS6	DL1	DL2	SES1	SES2	SES3

s. 22(1)(a)(ii)



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

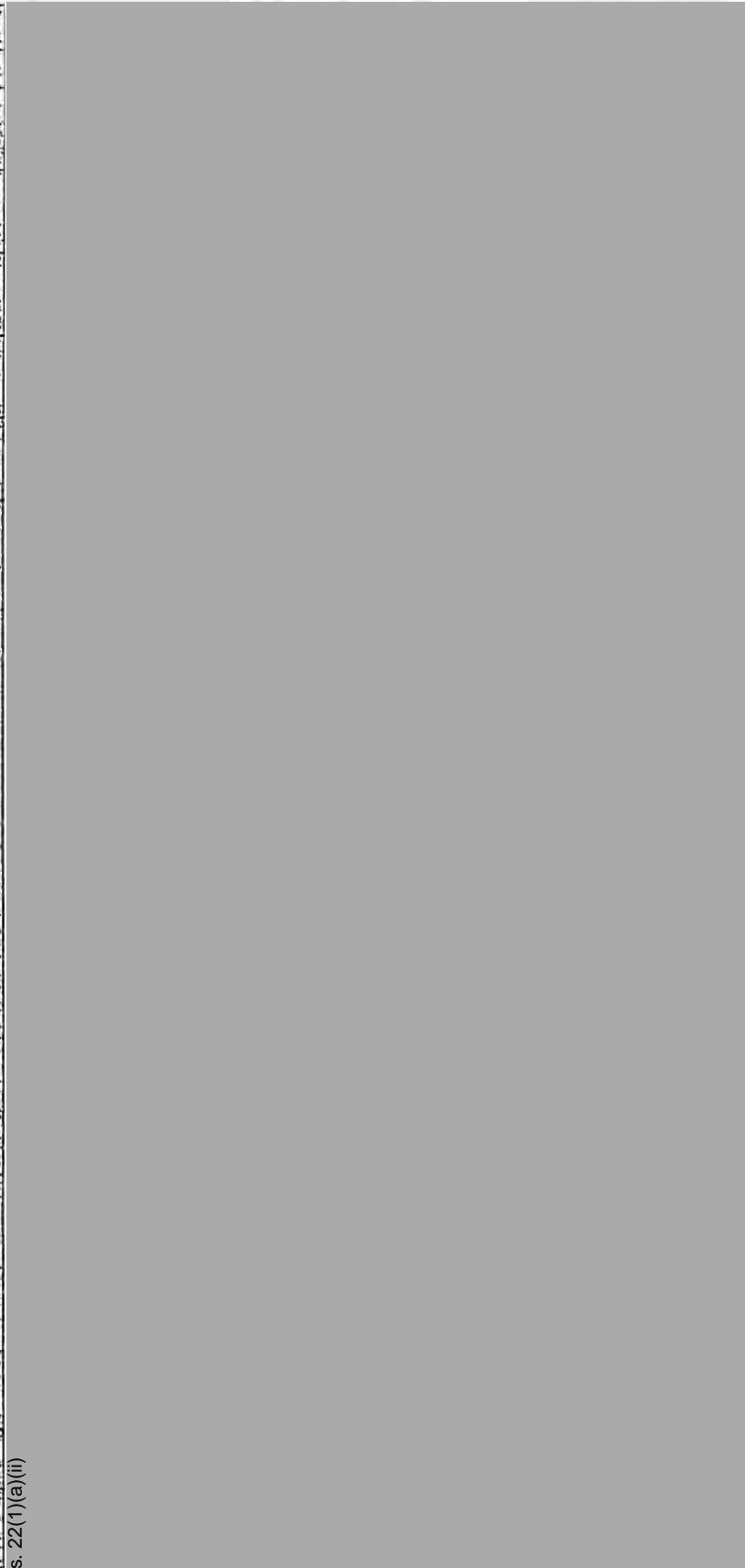
Released by the Information Commissioner
under the Freedom of Information Act 1982

'X' means the power indicated above is delegated.
'AO' indicates that the person is an authorized officer for the power indicated

Schedule 1

Item No.	Column 1 Power(s) for function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegation(s)					
			APS6	DL1	EL2	SES1	SES2	SES3

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 that the person is an authorized officer for the power indicated

Released by the Information Commissioner under the Freedom of Information Act 1982

Item No.	Column 1 Power/Function function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			AFS6	DI1	DI2	SES1	SES2	SOS3

s. 22(1)(a)(ii)



' 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.

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

Released by X means the power indicated above is delegated.
AO Indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (or information only)	Column 3 Delegate(s)					
			APS6	DUI	DUI2	SES1	SES2	SES3

s. 22(1)(a)(ii)

For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
Released by X means the power indicated above is delegated
by Y or indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2 – Delegations under the Aviation Transport Security Regulations 2005

Item No	Column 1	Column 2	Column 3					
	Power(s) or function(s) delegated/limits	Summary of power or function (for information only)	Delegate(s)					
s. 22(1)(a)(ii)			AFS6	ED1	ED2	SFS1	SFS2	SFS3

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
X1 means the power indicated above is delegated
X2 means the power indicated above is delegated
AB indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power (or function) of the person	Column 2 Summary of power or function (for information only)	Column 3 Delegate (6)	APS6	DL1	DL2	SES1	SES2	SES3
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s. 22(1)(a)(ii)



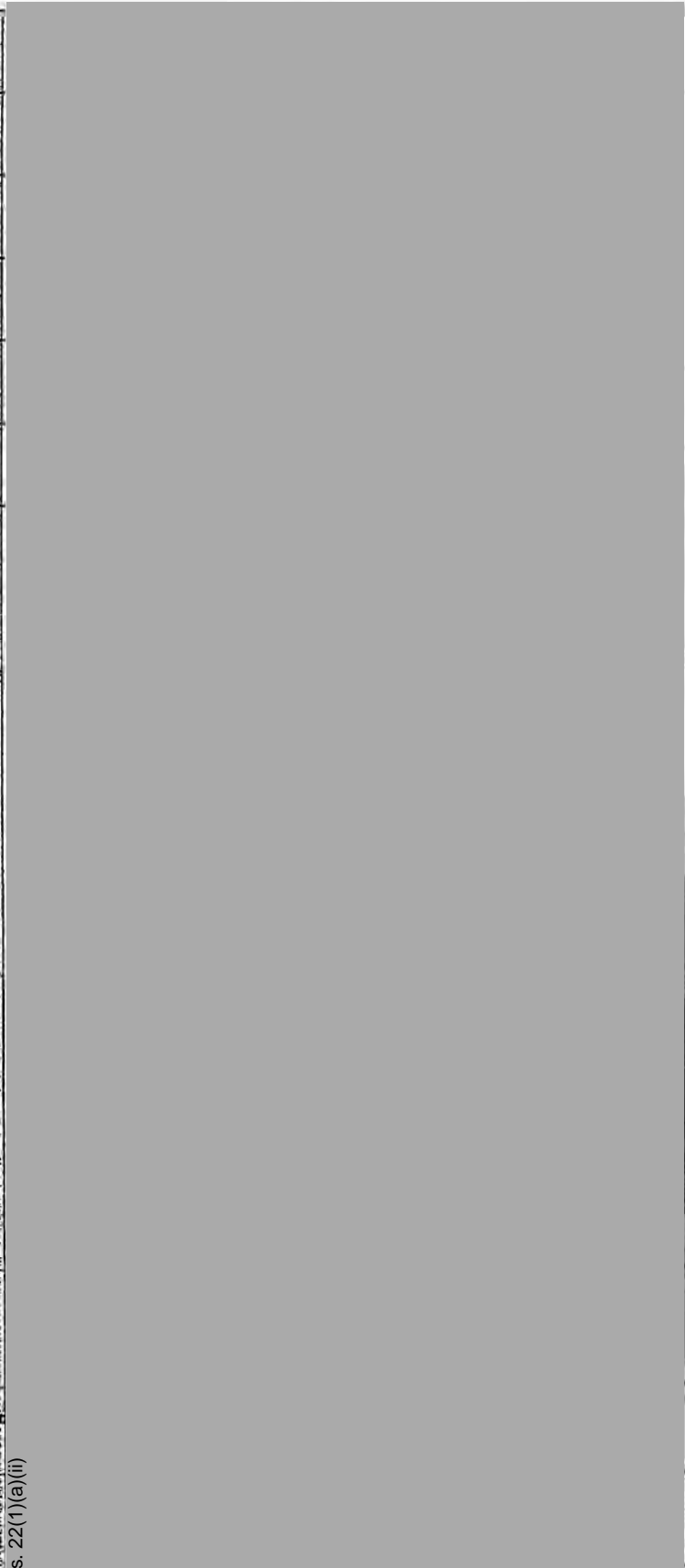
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:

Released by X means the power indicated above is delegated to X.
AO indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			AFS6	DE1	DE2	SES1	SES2	SBS3

s. 22(1)(a)(ii)

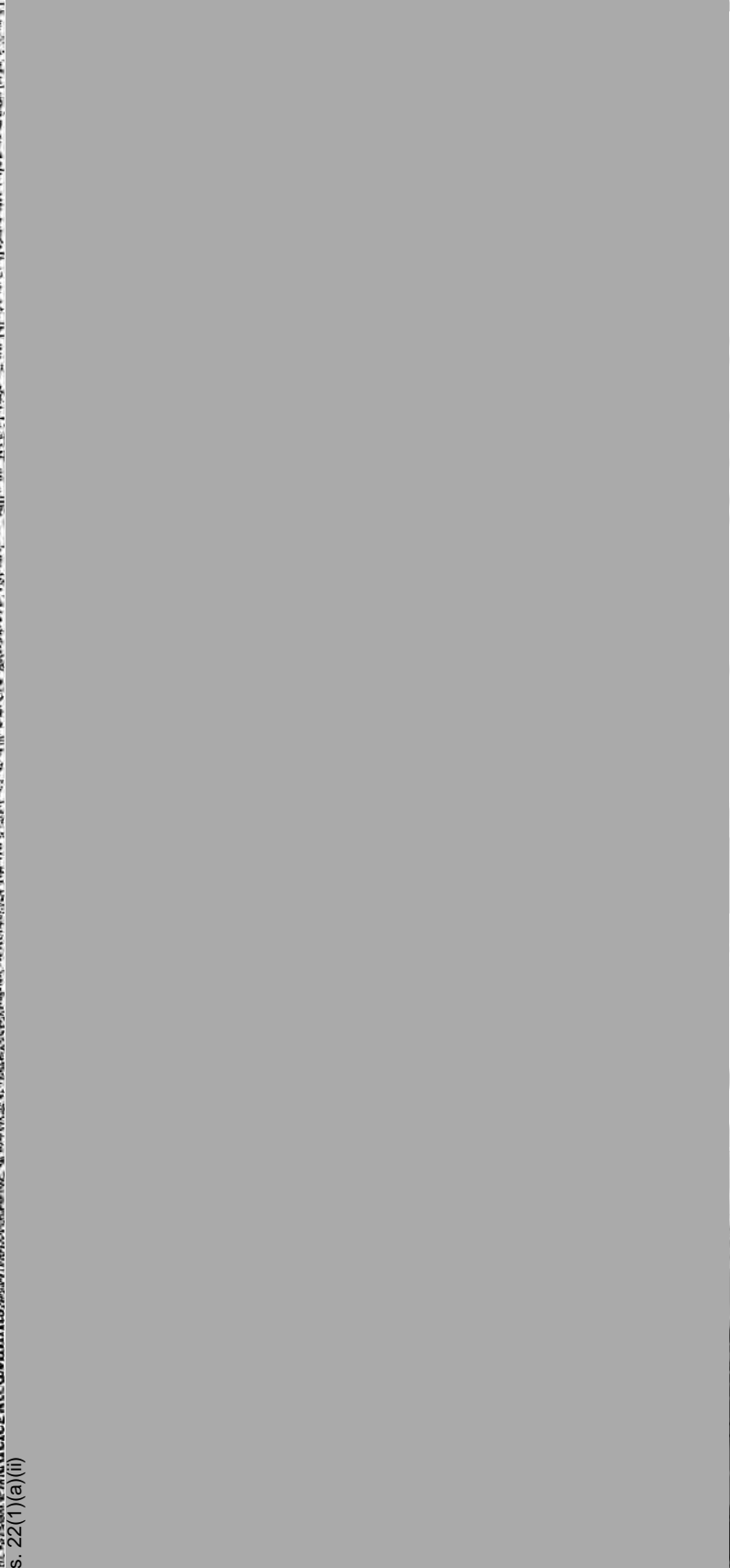


For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
X means the power indicated above is delegated
AW indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	PI7	DI2	SES1	SES2	SES3

s. 22(1)(a)(ii)

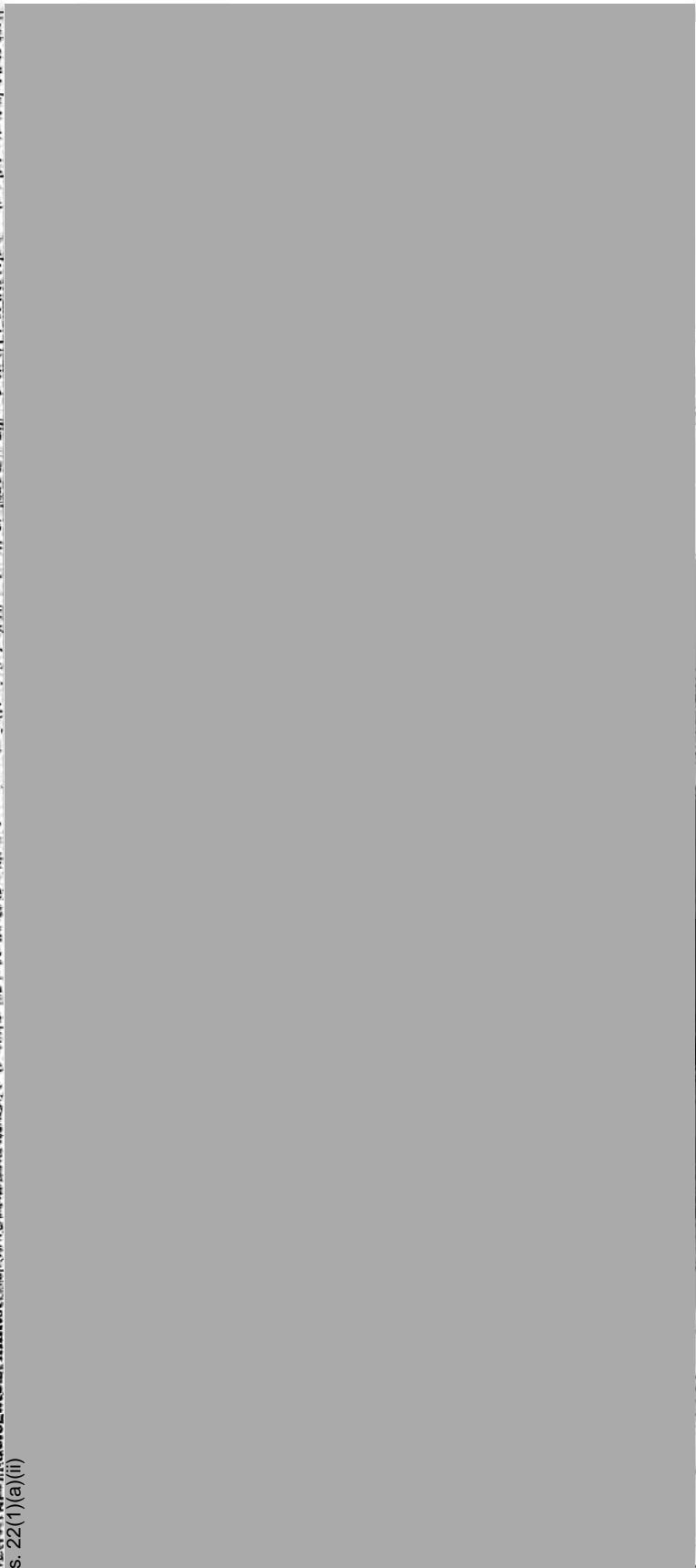


For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
"X" means the power indicated above is delegated
"AO" indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			AFS0	DF1	DF2	SES1	SES2	SES3

s. 22(1)(a)(ii)

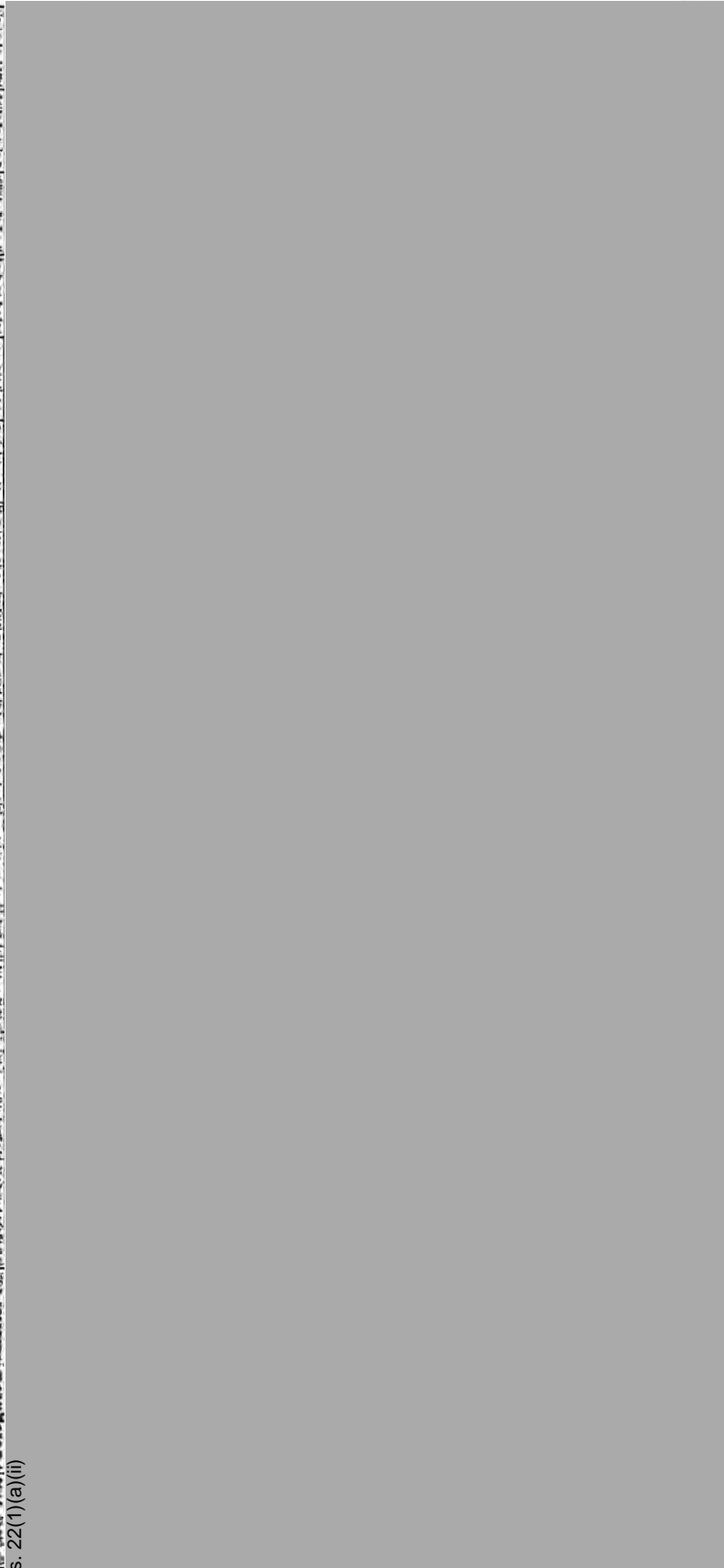


For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
Released by [X] means the power indicated above is delegated to [X]
[AO] indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS	EL1	EL2	SBS1	SBS2	SBS3

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 that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power (S) or function (S) Public or private	Column 2 Summary of power or function (for information only)	Column 3 Delegated	PS6	PS1	PS2	PS3	PS4	PS5
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s. 22(1)(a)(ii)



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

Released by X¹ means the power indicated above is delegated
by AB⁴ indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power (or function) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	DLT	DEF	SFS1	SFS2	SES3
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.

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

Released by the Information Commissioner under the Freedom of Information Act 1982

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SFS1	SFS2	SFS3

s. 22(1)(a)(ii)

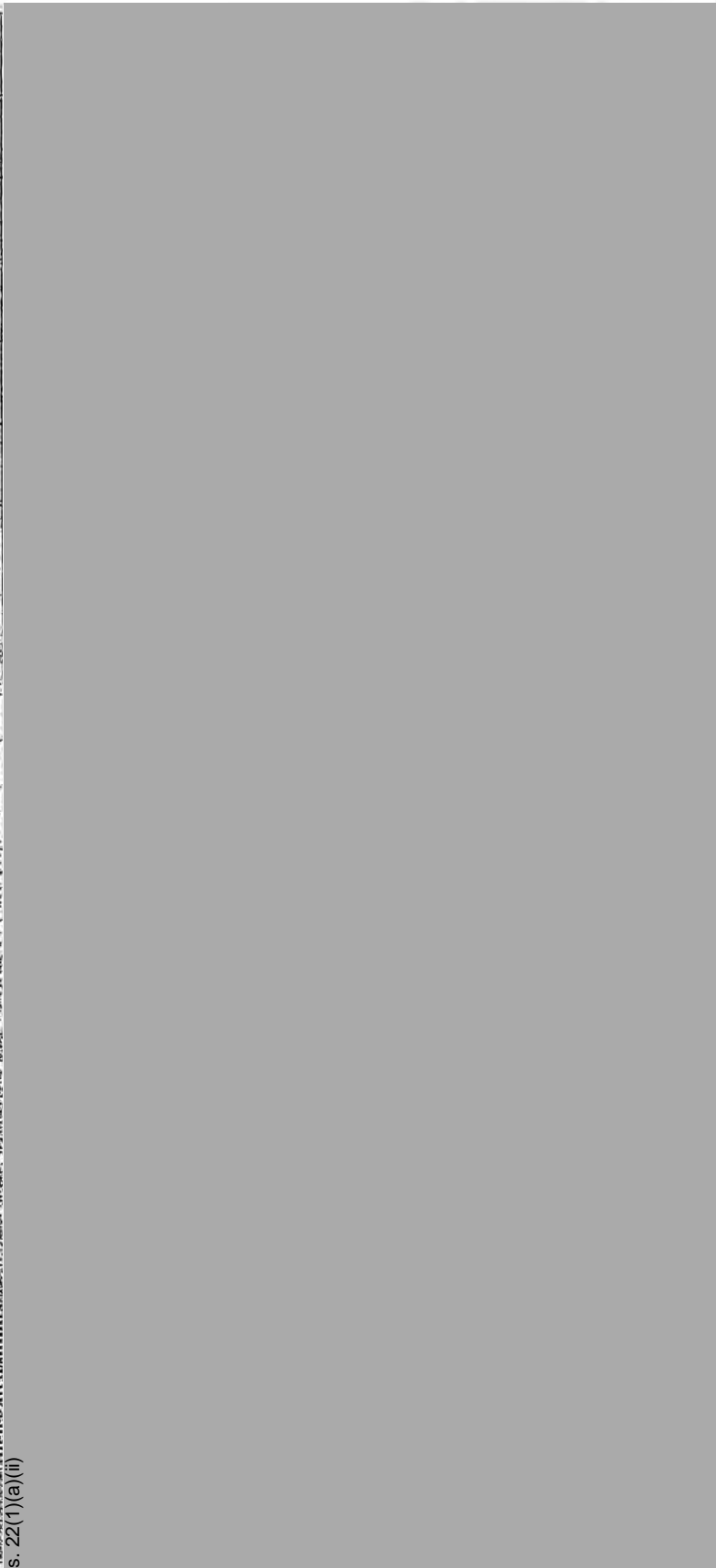


For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:

Released by X* means the power indicated above is delegated.
XO* indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Item	Column 1 Power(s) in function(s) Delegated limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s) APSC EJLB MIZ SESJ SESJ SESJ
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s. 22(1)(a)(ii)



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

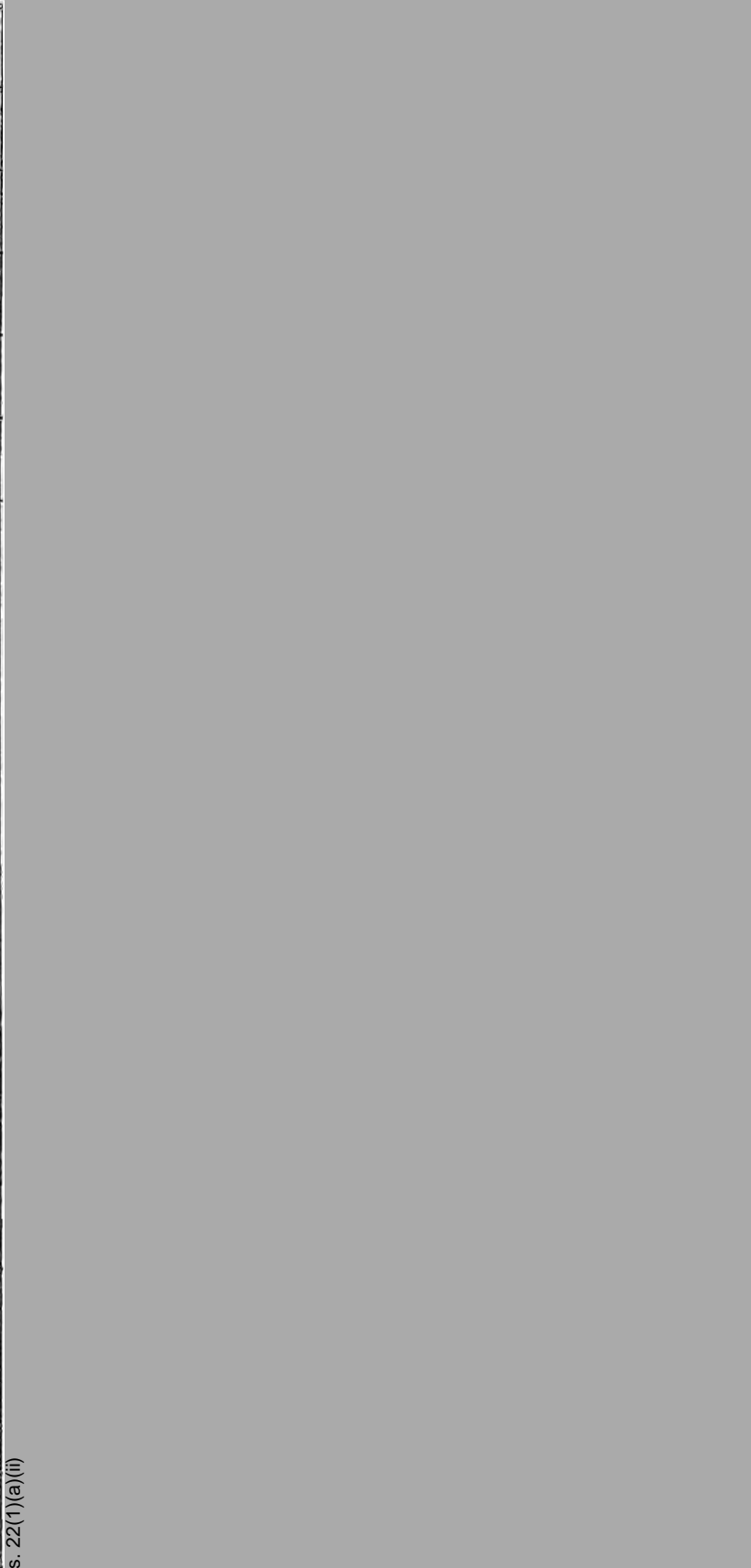
Released by "X" means the power indicated above is delegated. "AO" indicates that the person is an authorized officer for the power indicated.

under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) for function(s) delegated/limits.	Column 2 Summary of power/function (for information only)	Column 3 Delegate(s)					
			APSO	ELSI	EPZ	SBSJ	SFS2	SFS3

s. 22(1)(a)(ii)

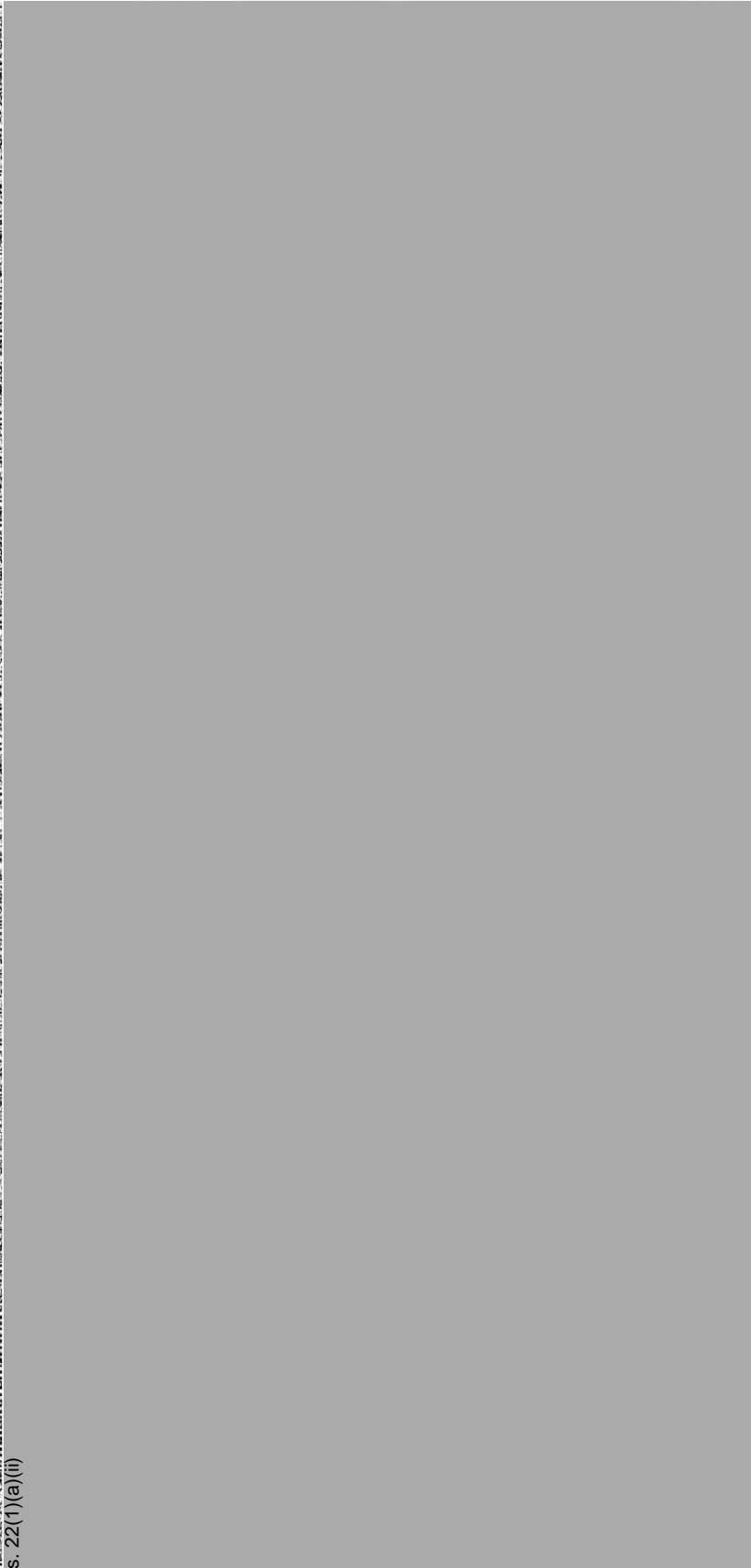


For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3:
X means the power indicated above is delegated
AO means the power indicated above is delegated
Indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 2

Item No.	Column 1 Power(s) or function(s)	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			AFSO	EEJ1	DE2	SLS1	SLS2	SBS

s. 22(1)(a)(ii)



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

Released by ACT means the power indicated above is delegated.
AFSO indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (or information)	Column 3 Delegate(s)				
			ABS	DL1	DL2	SJS	SJS3

s. 22(1)(a)(i)



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" indicates that the person is an authorized officer for the power indicated

Released by the Information Commissioner under the Freedom of Information Act 1982

Schedule 3 – Delegations under the Aviation Transport Security Regulations 2005

Item No.	Column 1: Power(s) or function(s) delegated/limits	Column 2: Summary of power or function (for information only)	Column 3: Delegate(s)					
			APS6	DI1	DI2	SES1	SES2	SES3

s. 22(1)(a)(ii)

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

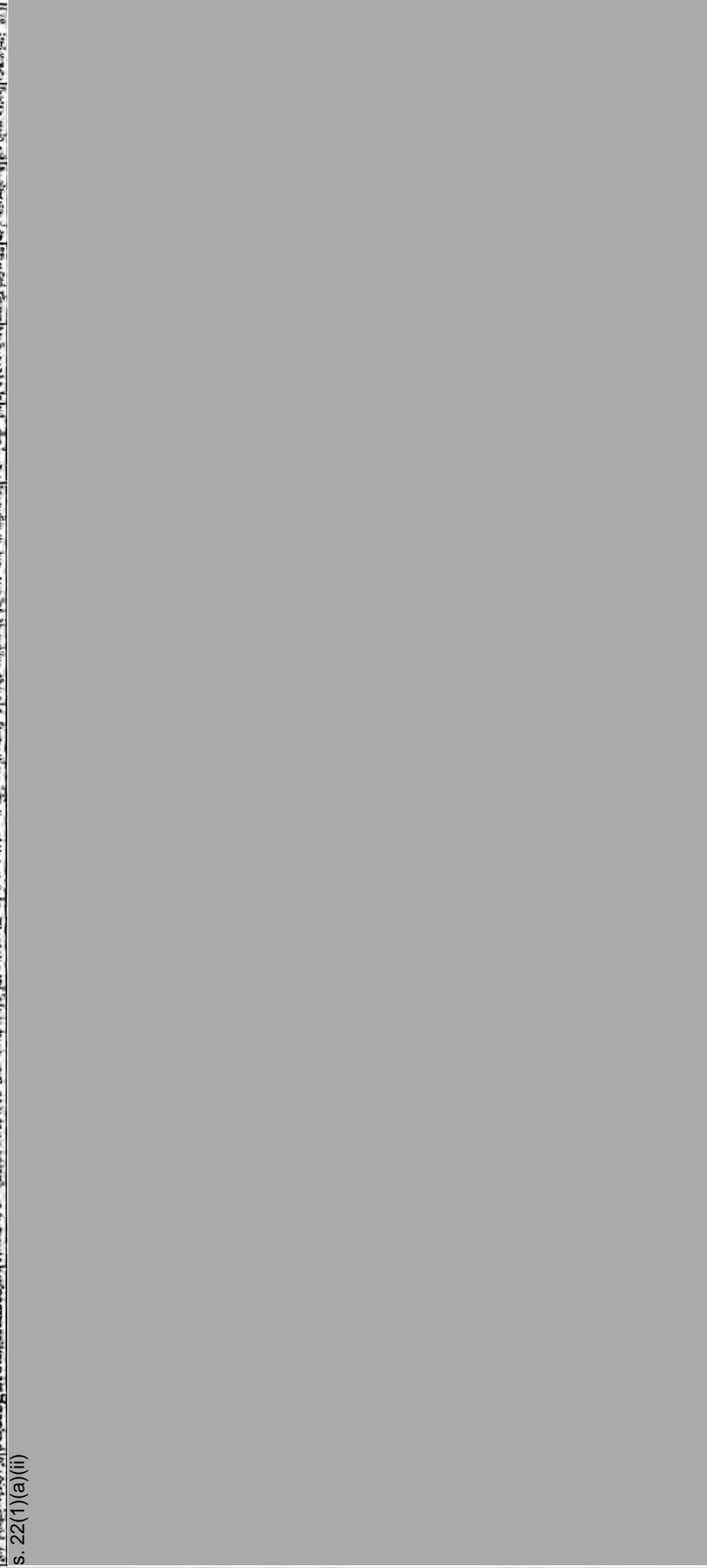
X means the power indicated above is delegated to a person in the position that the person is an authorized officer for the power indicated

Released by the Information Commissioner under the Freedom of Information Act 1982

Schedule 4 – Delegations under the Maritime Transport and Offshore Facilities Security Act 2003

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)							
			APSC	DL1	DL2	SFS1	SFS2	SFS3	SFS4	SFS5

s. 22(1)(a)(i)



Schedule 4

Item No.	Column 1: Power/Function/ delegated/limits	Column 2: Summary of power/function (for information only)	Column 3: Delegation					
			AFS6	DEL1	DEL2	SFS1	SBS2	SFS3

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
Y means the power indicated above is delegated
AC indicates that the person is an authorized officer for the power indicated
under the Freedom of Information Act 1982

Schedule 4

Item No.	Column 1 Power(s) or function(s) / delegated limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)				
			APSG	MI1	EL2	SES1	SES2

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.
AB indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 4

Item No.	Column 1: Power(s) or function(s) delegated/limits	Column 2: Summary of power or function (for information only)	Column 3: Delegate(s)					
			AFSC	DEL1	DEL2	SSES1	SSES2	SSES3
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.
'AE' indicates that the person is an authorized officer for the power indicated

Schedule 4

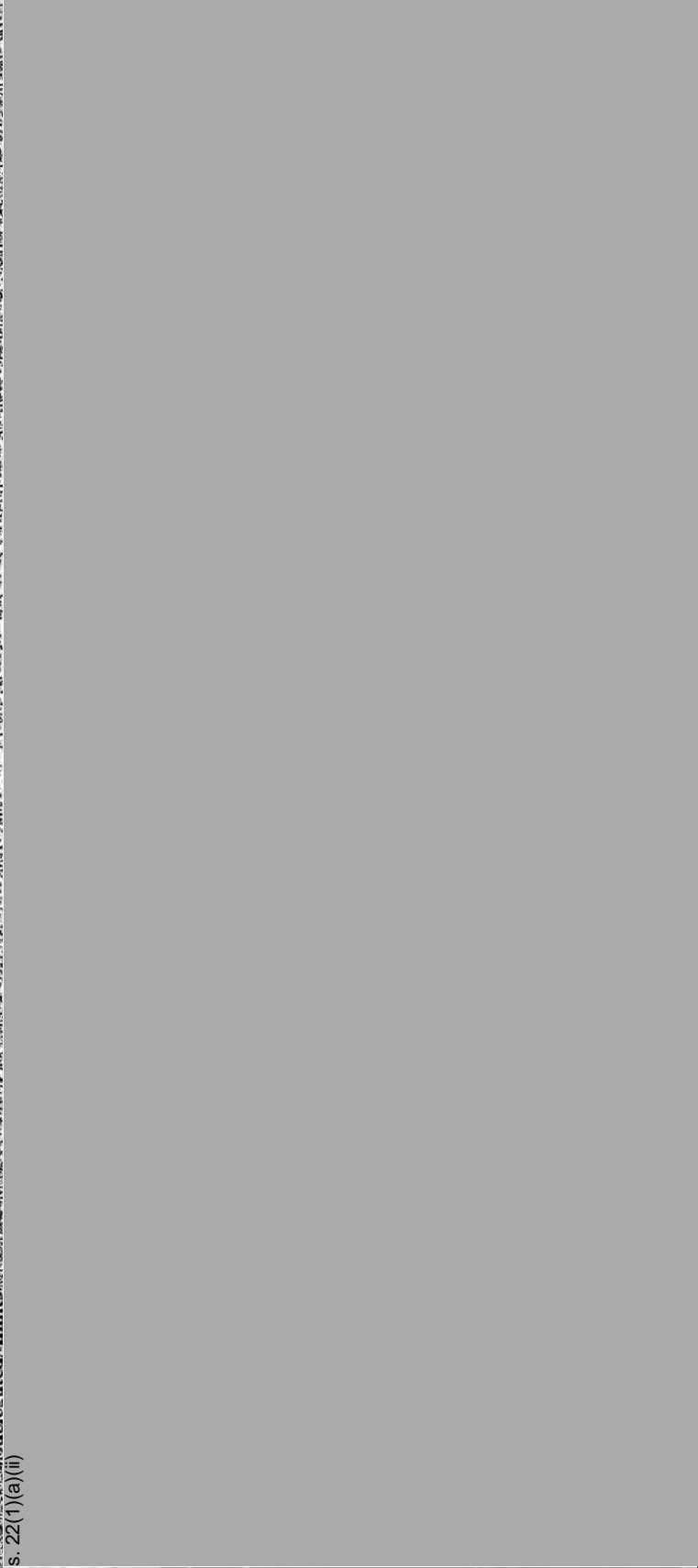
Item No.	Column 1 Power (or function(s)) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APSG	PLT	DEL	SFS1	SFS2	SFS3
s. 22(1)(a)(ii)								

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:
X¹ means the power indicated above is delegated.
X² indicates that the person is an authorized officer for the power indicated
Released by **2025 RELEASE UNDER E.O. 14176**
under the Freedom of Information Act 1982

Item No.	Column 1 Power (3) or function (3) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate (3)	APSO	DDA	DDZ	SES1	SES2	SES3
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s. 22(1)(a)(ii)

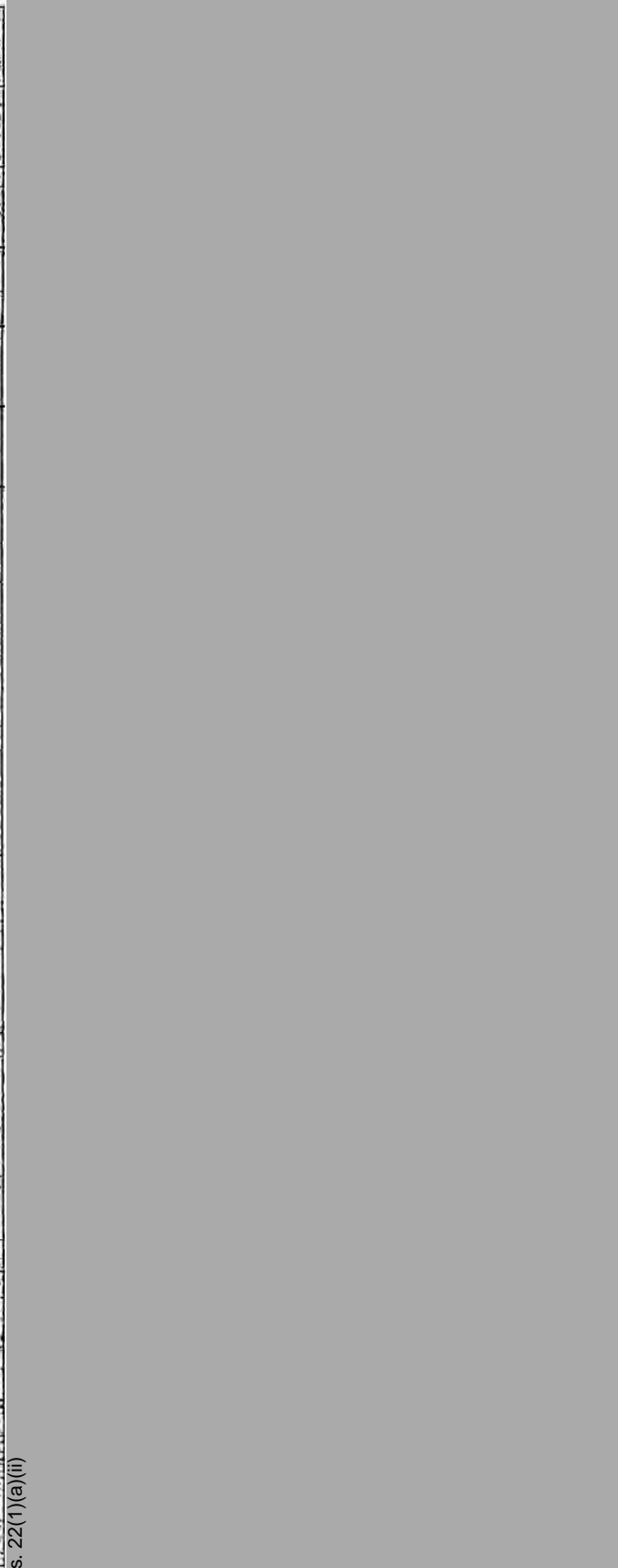


For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
"X" means the power indicated above is delegated
"AE" indicates that the person is an authorized officer for the power indicated
under the *Freedom of Information Act 1982*

Schedule 4

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (or information only)	Column 3 Delegate(s)					
			APS6	DL1	DL2	SFS1	SFS2	SFS3

s. 22(1)(a)(ii)



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:
X1 means the power indicated above is delegated.

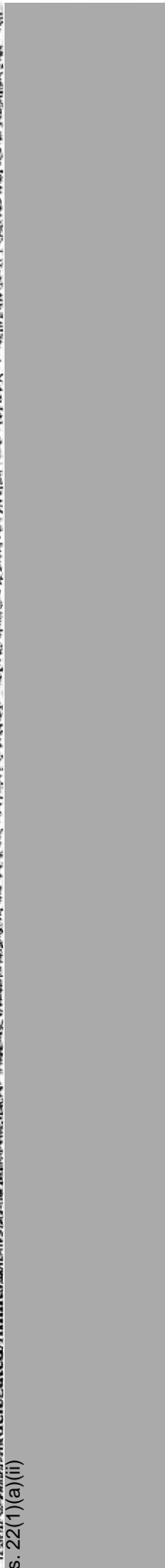
Released by AG indicates that the person is an authorized officer for the power indicated

under the Freedom of Information Act 1982

Schedule 4

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (or information only)	Column 3 Delegate(s)					
			VP	SP	DP	SPS	SESP	SESP

s. 22(1)(a)(i)



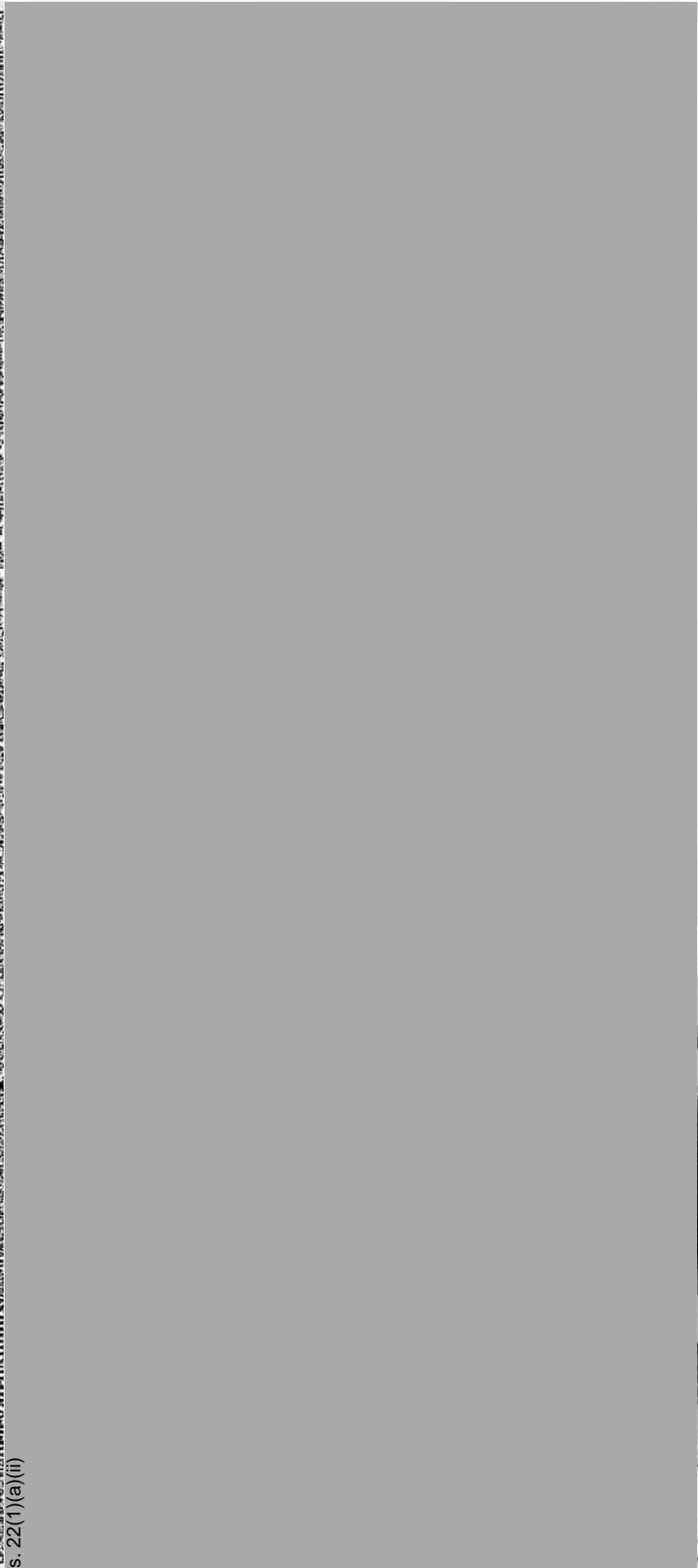
For persons holding, occupying or performing the duties of a position at the level/classification indicated in column 3.

Released by X means the power indicated above is delegated by X.
AB indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982.

Schedule 5 – Delegations under the Maritime Transport and Offshore Facilities Security Regulations 2003

Item No.	Column 1 Power(s) or function(s)	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	AFS6	EE1	ED12	SES1	SES2	SES3
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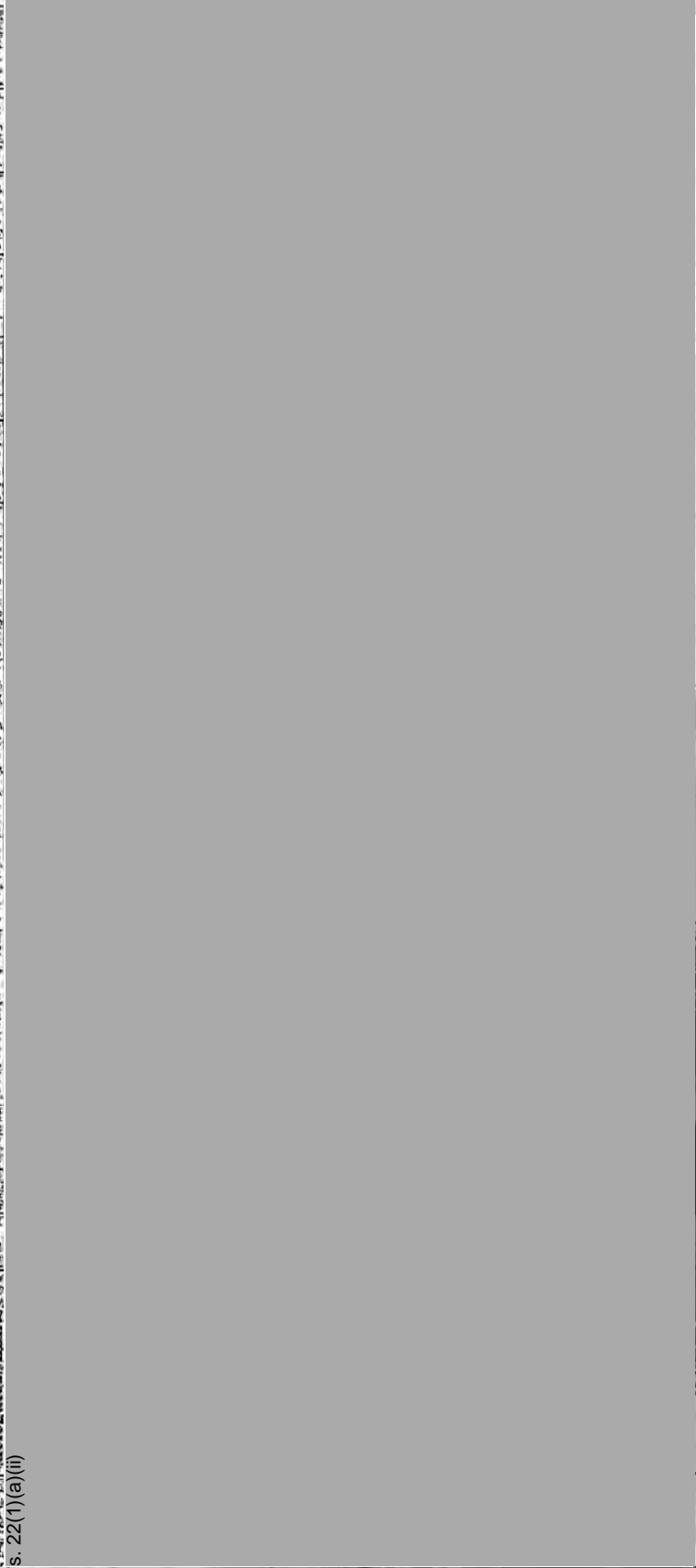
s. 22(1)(a)(ii)



Schedule 5

Item No.	Column 1 Power(s) for function(s) / delegated limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	DL2	SFS1	SFS2	SFS3

s. 22(1)(a)(i)



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

Released by the Information Commissioner under the Freedom of Information Act 1982

Schedule 5

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegated to					
			APSG	FIM	EL	SES1	SES2	SPSP

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.

"AB" indicates that the person is an authorized officer for the power indicated

Released by **2025 RELEASE UNDER THE FREEDOM OF INFORMATION ACT 1982**

Schedule 5

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegation					
			APS	DLE	DJ23	SFS	SFS2	SFS3

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 means the power is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 5

Item No.	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APSC	EMA	TD12	SES1	SES2	SES3

s. 22(1)(a)(ii)



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

Released by X1 means the power indicated above is delegated to the person indicated above. X1 indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 6 – Delegations under the Maritime Transport and Offshore Facilities Security Regulations 2003

Item No.	Column 1 Power(s) or function(s) delegated limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)						
			APSS	APSO	DE1	DE2	SPS1	SPS2	SPS3

s. 22(1)(a)(ii)

For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
Released by [X] means the power indicated above is delegated to [X]
[X] indicates that the person is an authorized officer for the power indicated under the Freedom of Information Act 1982

Schedule 7 – Delegations under the *Telecommunications Act 1997* – Protection of submarine cables

Item No	Column 1 Power(s) or function(s) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegation		
			SES1	SES2	SES3

s. 22(1)(a)(ii)

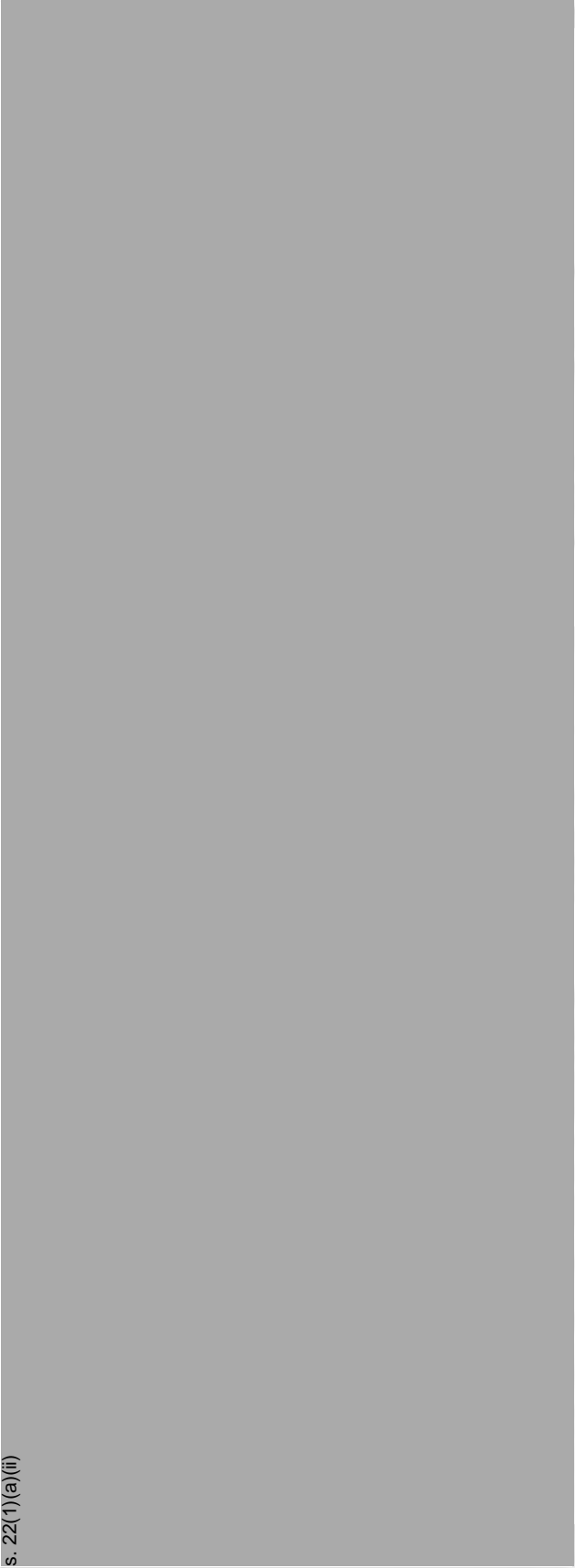


For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3:
Released by: X1 means the power indicated above is delegated.
X0 indicates that the person is an authorised officer for the power indicated under the *Freedom of Information Act 1982*

Schedule 8 – Delegations and Authorisations under the Migration Act 1958 and Migration Regulations 1994

Item No	Column 1 Power(s) or function(s) delegated/ limited	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	APS1	APS2	APS3	APS4	APS5	APS6	DET1	DET2	SES1	SES2	SES3
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Migration Act 1958
s. 22(1)(a)(ii)



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

Released by AD - Indicates that the person is not authorised to access information for the power indicated under the Freedom of Information Act 1982

Item No.	Column 1 Power (or functions) delegated/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	APS1	APS2	APS3	APS4	APS5	APS6	EDEN	SES1	SES2	SES3
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. 'AB' indicates that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982

Item No.	Column 1 Power Or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegated	Column 4 APS1	Column 5 APS2	Column 6 APS3	Column 7 APS4	Column 8 APS5	Column 9 APS6	Column 10 D1	Column 11 D2	Column 12 D3	Column 13 SES1	Column 14 SES2	Column 15 SES3
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s. 22(1)(a)(ii)



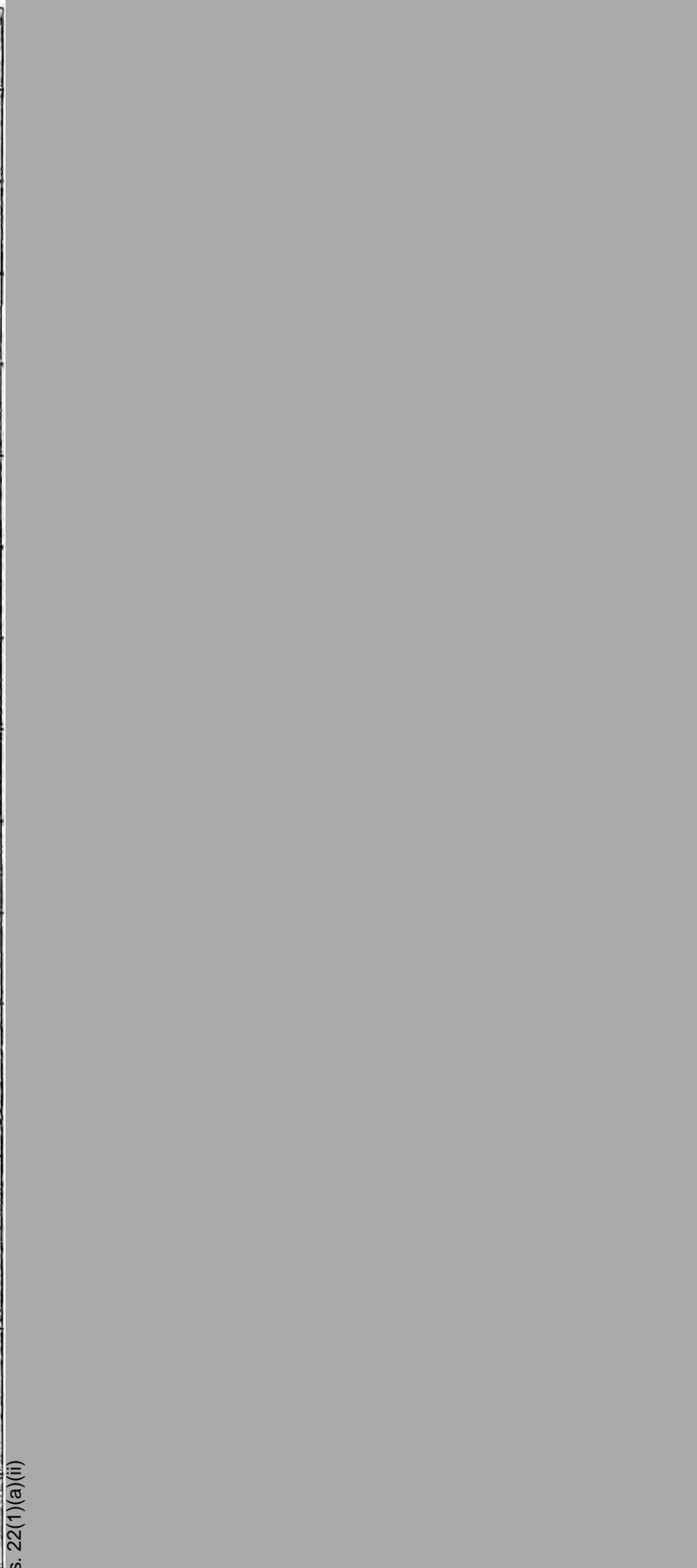
For persons holding, occupying or performing the duties of a position at the level /classification indicated in column 3: 'X' means the power indicated above is delegated.

Indicates that the person is an authorised officer for the power indicated

Released by the Information Commissioner under the Freedom of Information Act 1982

Item No.	Column 1: Row(s) or function(s) delegated/limits	Column 2: Summary of power or function (for information only)	Column 3: Delegated	APS1	APS2	APS3	APS4	APS5	APS6	EDU1	EDU2	SES1	SES2	SES3
----------	---	--	------------------------	------	------	------	------	------	------	------	------	------	------	------

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.
X0 means that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982

Item No.	Column 1 Power(s) or function(s) delegated	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	APS1	APS2	APS3	APRS4	APRS5	APRS6	BI1	BI2	SES1	SES2	SES3
s. 22(1)(a)(ii)														

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

Released by X means the power indicated above is delegated. ~~ajfs~~
No indicates that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982.

Schedule 8

Item No	Column 1 Power function(s) (delegated/limits)	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	APB1	APB2	APB3	APB4	APB5	APB6	ED1	ED2	SES1	SES2	SES3
s. 22(1)(a)(ii)														

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

Released by [redacted] means the power indicated above is delegated.
X* indicates that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982.

Item No.	Column 1: Power(s) for function(s) delegated/limits	Column 2: Summary of power or function (for information only)	Column 3: Delegate(s)	APS1	APS2	APS3	APS4	APS5	APS6	EDU1	EDU2	SES1	SES2	SES3
8.78	s473 CIB	Material to be provided to Immigration Assessment Authority										X	X	

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

Released by the Australian Government under the Freedom of Information Act 1982

Schedule 8

Item No.	Column 1: Power(s) or function(s) delegated/limits	Column 2: Summary of power or function (for information only)	Column 3: Delegates(s)	Column 4: ARS1	Column 5: APS2	Column 6: ARS3	Column 7: APS4	Column 8: ARS5	Column 9: APS6	Column 10: TELE	Column 11: FEL2	Column 12: SEST	Column 13: SES2	Column 14: SES3
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.

Released by [redacted] means that the person is an authorised officer for the power indicated

under the Freedom of Information Act 1982

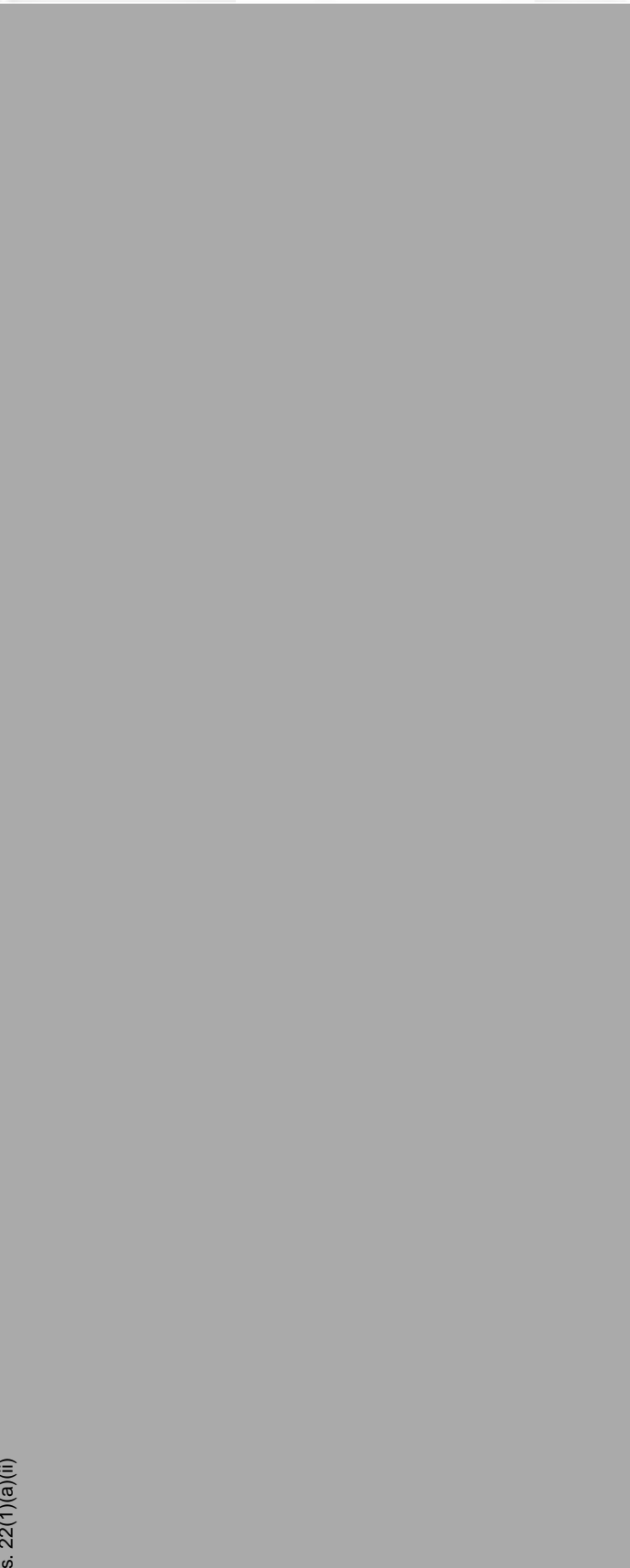
Item No.	Column 1 Power(s) or function(s) delegated/limits.	Column 2 Summary of power or function (for information only)	Column 3 Delegated	APS1	APS2	APS3	APS4	APS5	APS6	EDU1	EDU2	SED1	SED2	SED3
s. 22(1)(a)(ii)														

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

Released by 'X' means the power indicated above is delegated. 'X' indicates that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982

Item No	Column 1 Power(s) or function(s) delegate/limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)	APS1	APS2	APS3	APS4	APS5	APS6	ED1	ED2	SES1	SES2	SES3
---------	---	---	-------------------------	------	------	------	------	------	------	-----	-----	------	------	------

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 that the person is an authorised officer for the power indicated.

Released by the Information Commissioner under the Freedom of Information Act 1982

Schedule 9 – Delegations under the Security of Critical Infrastructure Act 2018

Item No.	Column 1 Provisions delegated	Column 2 Summary of power or function (for information only)	Column 3 Delegation			
			SFS1	SFS2	SFS3	SFS4

s. 22(1)(a)(ii)



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

Released by [redacted] means the power indicated above is delegated to [redacted] **Authorised Officer** for the power indicated under the Freedom of Information Act 1982

Schedule 10 – Delegations under the AusCheck Regulations 2017

Item No	Column 1: provisions delegated	Column 2: description of power or function (for information only)	Column 3: Delegate(s)	SES1	SES2	SES3
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.

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

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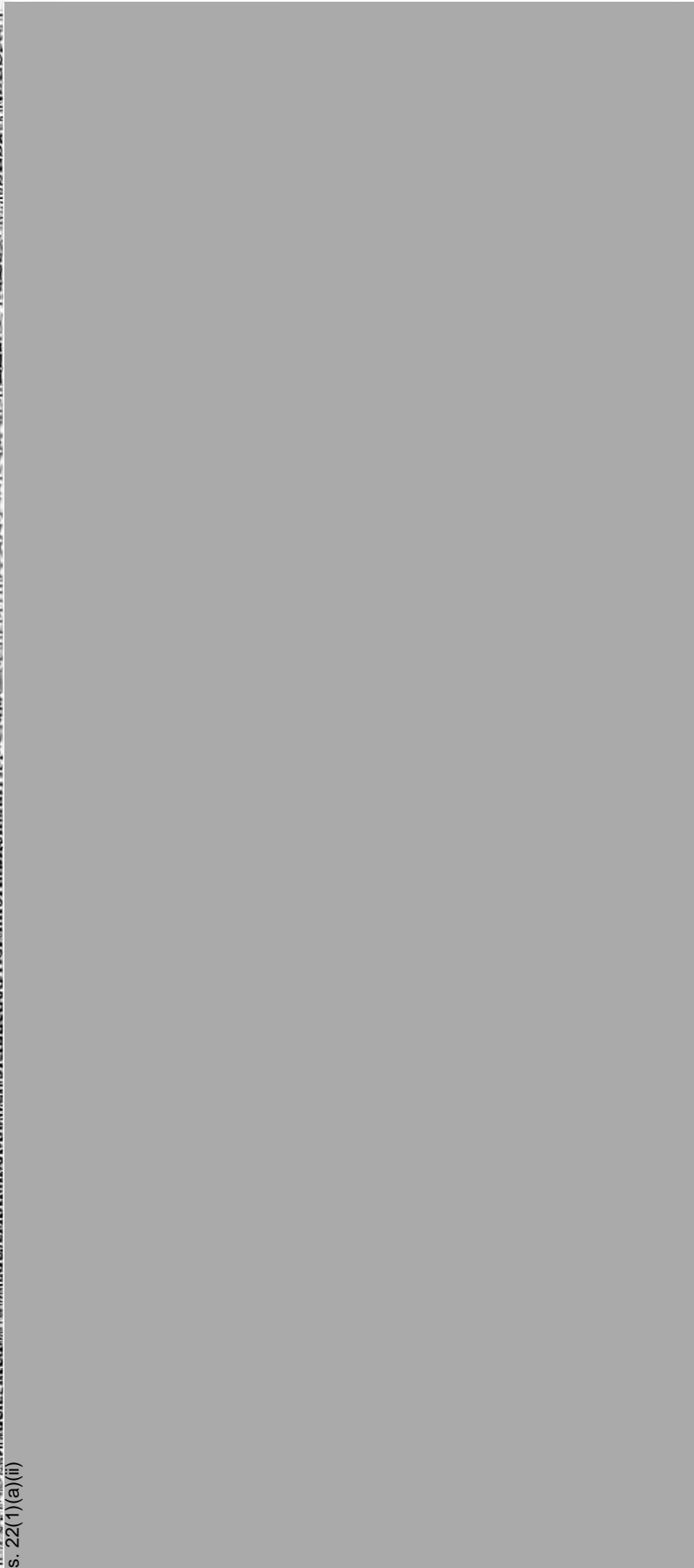
Item No.	Column 1 provisions delegated	Column 2 description of power or function (for information only)	Column 3 Delegate(s)	EL2	SPS1	SPS2	SPS3
s. 22(1)(a)(ii)							

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.
'A1' indicates that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982

Schedule 10

Item No.	Column 1 provisions delegated	Column 2 description of power or function (for information only)	Column 3 Delegate(s)	SES1	SES2	SES3
----------	-------------------------------------	---	-------------------------	------	------	------

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 that the person is an authorised officer for the power indicated under the Freedom of Information Act 1982

Schedule 10

60

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

under the Freedom of Information Act 1982-



Security and Resilience Group (Secretary) Instrument 2019

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

Dated *30 June* 2019

A handwritten signature in blue ink, appearing to read "M. Pezzullo".

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*. 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.

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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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Part 2 - Delegations and Authorisations for Security and Resilience Group

6 Aviation Transport Security delegations

- (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

- (1) 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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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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under the *Freedom of Information Act 1982*

s. 22(1)(a)(ii)

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

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Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)

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.

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 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
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 that the person is an authorized officer for the power indicated

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Schedule 2 – Delegations under the *Aviation Transport Security Regulations 2005*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
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 that the person is an authorized officer for the power indicated

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

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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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under the *Freedom of Information Act 1982*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3

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 that the person is an authorized officer for the power indicated

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under the *Freedom of Information Act 1982*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
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 that the person is an authorized officer for the power indicated

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

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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

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

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
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 that the person is an authorized officer for the power indicated

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under the *Freedom of Information Act 1982*

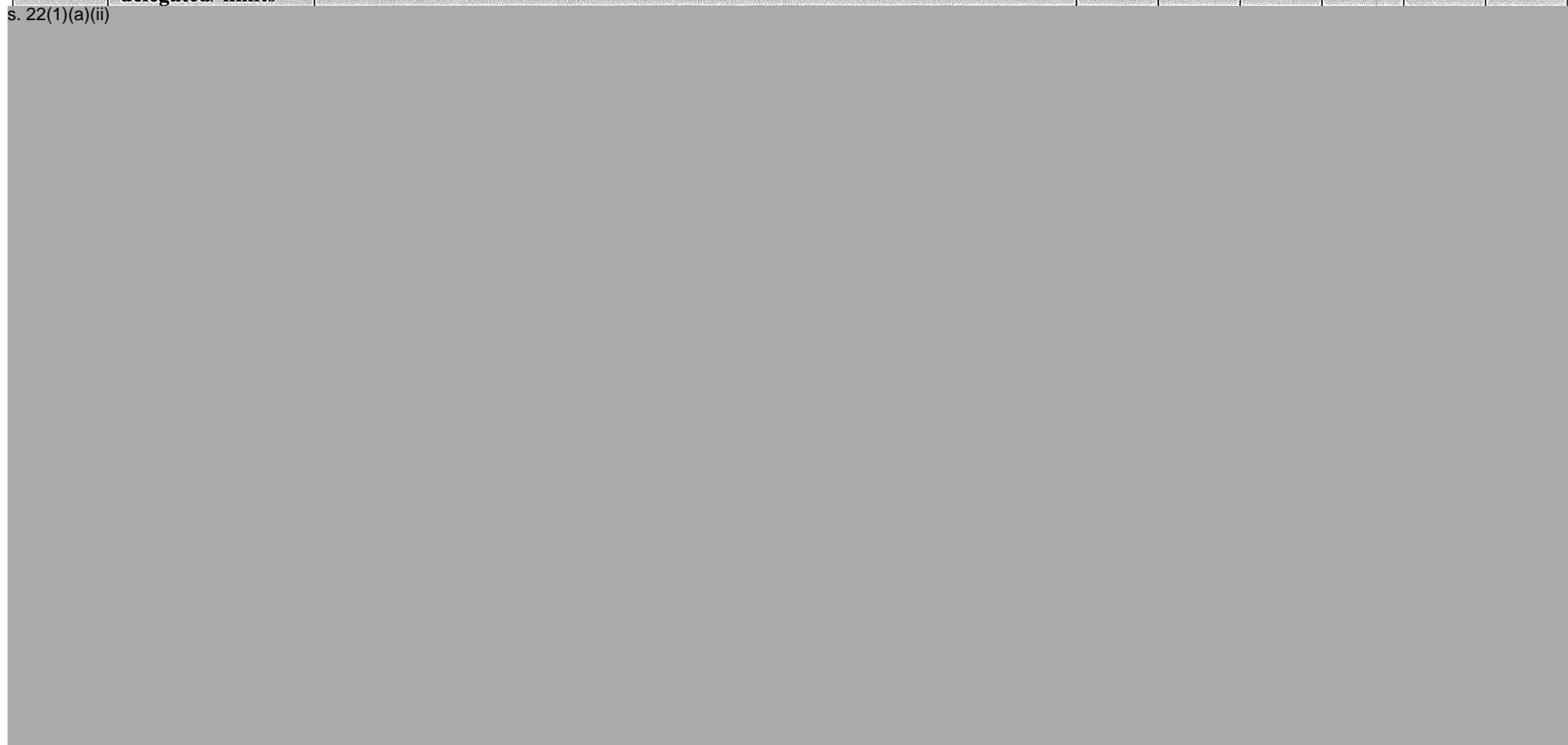
20

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

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under the *Freedom of Information Act 1982*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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:

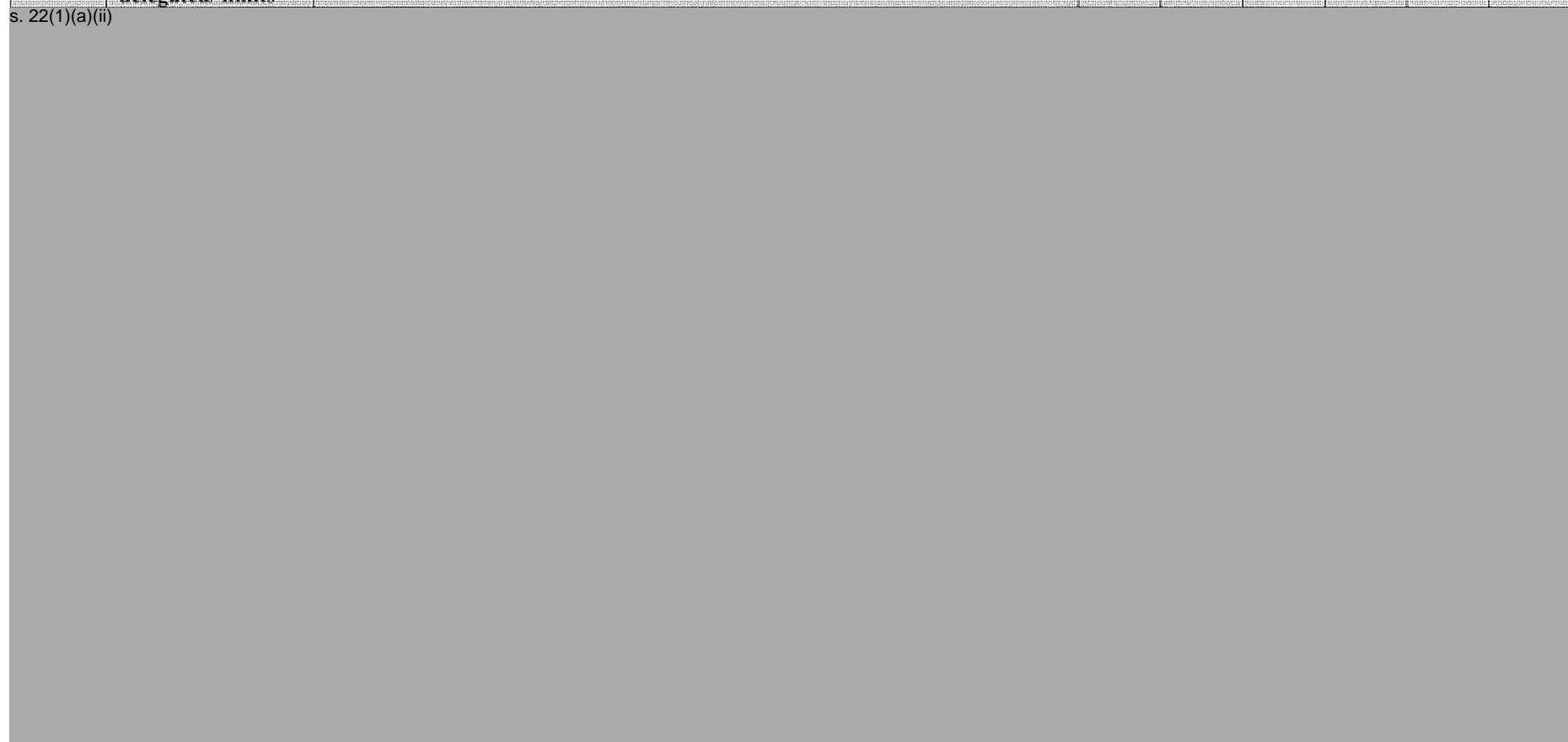
‘X’ means the power indicated above is delegated.

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

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under the *Freedom of Information Act 1982*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			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 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

Security and Resilience Group (Secretary) Instrument 2019

23

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

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

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)



Security and Resilience Group (Secretary) Instrument 2019

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			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

Security and Resilience Group (Secretary) Instrument 2019

25

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Schedule 3 – Delegations under the *Aviation Transport Security Regulations 2005*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

Security and Resilience Group (Secretary) Instrument 2019

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Schedule 4 – Delegations under the *Maritime Transport and Offshore Facilities Security Act 2003*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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		Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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s. 22(1)(a)(ii)								

Security and Resilience Group (Secretary) Instrument 2019

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		Summary of power or function (for information only)	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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

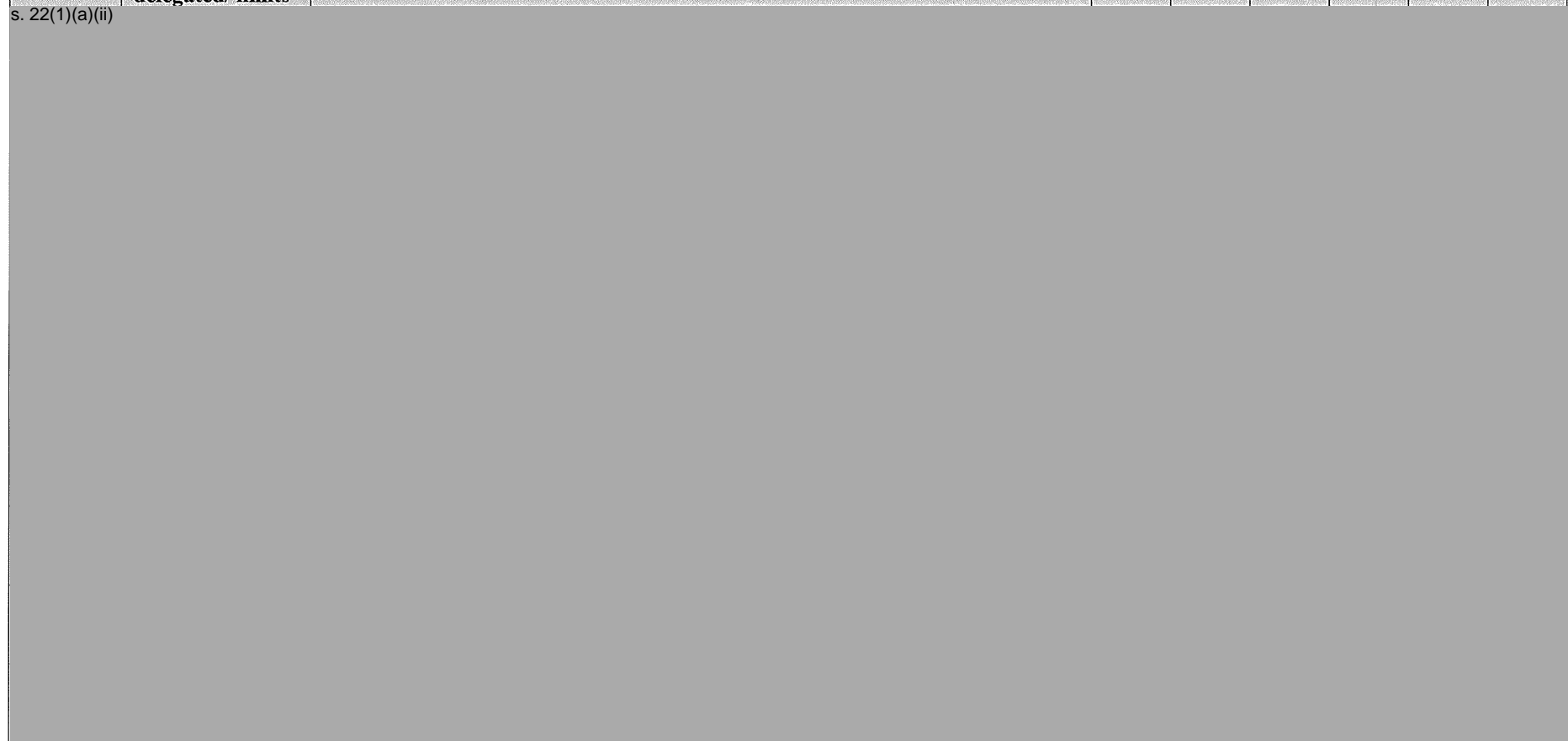
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			APS6	EL1	EL2	SES1	SES2	SES3

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Security and Resilience Group (Secretary) Instrument 2019

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			APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)

² 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.

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		APS6	EL1	EL2	SES1	SES2	SES3
ii)							

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

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)					
			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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			APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)



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			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

Security and Resilience Group (Secretary) Instrument 2019

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			APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)								

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Schedule 6 – Delegations under the *Maritime Transport and Offshore Facilities Security Regulations 2003*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)						
			APS5	APS6	EL1	EL2	SES1	SES2	SES3
Maritime Transport and Offshore Facilities Security Regulations 2003									
s. 22(1)(a)(ii)									

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Schedule 7 – *Telecommunications Act 1997* – Protection of submarine cables

Item No.	Column 1	Column 2	Column 3		
	Power(s) or function(s) delegated/ limits		Delegate(s)		
		Summary of power or function (for information only)	SES 1	SES2	SES3
Telecommunications Act 1997					
s. 22(1)(a)(ii)					

Security and Resilience Group (Secretary) Instrument 2019

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Schedule 8 – Delegations and Authorisations under the *Migration Act 1958* and *Migration Regulations 1994*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)										
			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958 s. 22(1)(a)(ii)													

Security and Resilience Group (Secretary) Instrument 2019

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)													

Security and Resilience Group (Secretary) Instrument 2019

45

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Security and Resilience Group (Secretary) Instrument 2019

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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Security and Resilience Group (Secretary) Instrument 2019

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)



Security and Resilience Group (Secretary) Instrument 2019

48

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Security and Resilience Group (Secretary) Instrument 2019

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s. 22(1)(a)(ii)													

Security and Resilience Group (Secretary) Instrument 2019

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)													
87.	s473CB	Material to be provided to Immigration Assessment Authority									X	X	
s. 22(1)(a)(ii)													

Security and Resilience Group (Secretary) Instrument 2019

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)													

Security and Resilience Group (Secretary) Instrument 2019

52

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s. 22(1)(a)(ii)													

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

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Schedule 9 – Delegations under the *Security of Critical Infrastructure Act 2018*

Item No.	Column 1	Column 2	Column 3		
	Power(s) or function(s) delegated/ limits		Delegate(s)		
		Summary of power or function (for information only)	SES1	SES2	SES3

s. 22(1)(a)(ii)

Security and Resilience Group (Secretary) Instrument 2019

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Schedule 10 – Delegations under the *AusCheck Regulations 2017*

Item No.	Column 1 Power(s) or function(s) delegated/ limits	Column 2 Summary of power or function (for information only)	Column 3 Delegate(s)										
			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
AusCheck Regulations 2017													
s. 22(1)(a)(ii)													

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			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
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s. 22(1)(a)(ii)													

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Australian Government
Department of Home Affairs

Received

26 SEP 2019

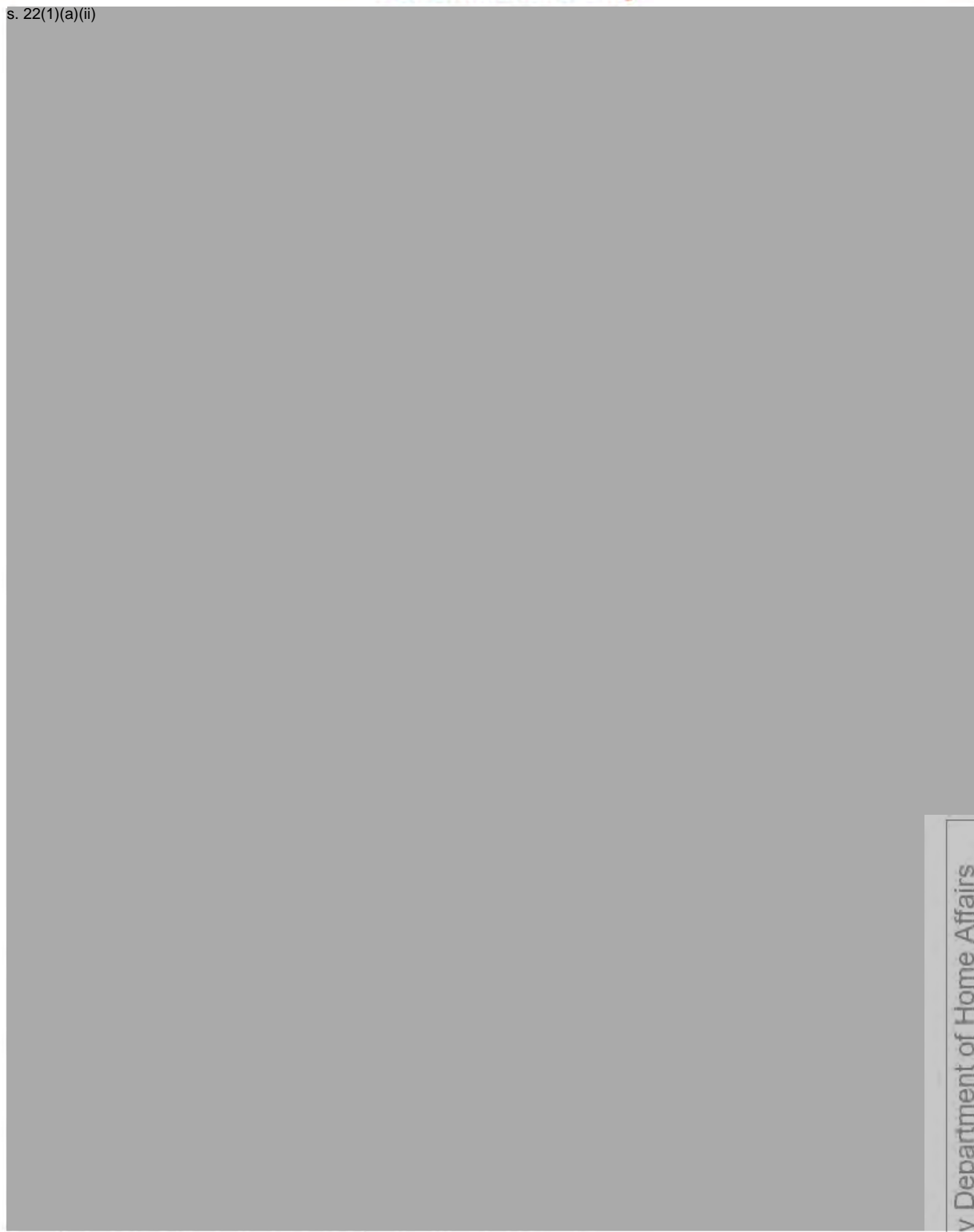
In the Office of the
Secretary Home Affairs
Correspondence No: 195

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)



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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 2019

Michael Pezzullo
Secretary of the 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.

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.

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 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.

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* (LN 19/032) is revoked.

LIN 19/239

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

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958 s. 22(1)(a)(ii)													

LIN 19/239

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

LIN 19/239

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

s. 22(1)(a)(ii)

LIN 19/239

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

LIN 19/239

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

LON 19/239

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

LDN 19/239

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
79.	473CB	Material to be provided to Immigration Assessment Authority			X	X	X	X	X	X	X	X	X

s. 22(1)(a)(ii)

LDN 19/239

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

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

LIN 19/239

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

LIN 19/239

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

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

LIN 19/239

Schedule 2 – Appointment of Detention Review Officer under the Migration Regulations

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	Work Area	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)													

LIN 19/239

Schedule 3 – Delegations under the Immigration (Education) Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	Work Area	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
s. 22(1)(a)(ii)													

Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave Act

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

LIN 19/239

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



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 June 2019

Michael Pezzullo
Secretary of the 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 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.

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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.

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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

- (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.

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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.

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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;
- (e) *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.

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

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Migration Act 1958												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
10.	s. 22(1)(a)(ii)												
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
21.	s. 22(1)(a)(ii)												
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
32.	s. 22(1)(a)(ii)												
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													
42.													
43.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
44.	s. 22(1)(a)(ii)												
45.													
46.													
47.													
48.													
49.													
50.													
51.													
52.													
53.													
54.													
55.													
56.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
57.	s. 22(1)(a)(ii)												
58.													
59.													
60.													
61.													
62.													
63.													
64.													
65.													
66.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
67.	s. 22(1)(a)(ii)												
68.													
69.													
70.													
71.													
72.													
73.													
74.													
75.													
76.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>											
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
77.	s. 22(1)(a)(ii)													
78.														
79.														
80.														
81.														
82.														
83.														
84.	s473CB	Material to be provided to Immigration Assessment Authority			X	X	X	X	X	X	X		X	X
85.	s. 22(1)(a)(ii)													
86.														

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
87.	s. 22(1)(a)(ii)												
88.													
89.													
90.													
91.													
92.													
93.													
94.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
95.	s. 22(1)(a)(ii)												
96.													
97.													
98.													
99.													
100.													
101.													
102.													
103.													
104.													
Migrati													
105.													
106.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
107.													
108.													
109.													
110.													
111.													
112.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
113.	s. 22(1)(a)(ii)												
114.													
115.													
116.													
117.													
118.													
119.													
120.													
121.													
122.													

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

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Schedule 2 – Appointment of Detention Review Officer under the Migration Regulations

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

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Schedule 3 – Delegations under the Immigration (Education) Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
126.	s. 22(1)(a)(ii)												
127.													

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Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave Act

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Social Security Act 1991												
1.	s. 22(1)(a)(ii)												
A New													
2.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Paid Parental Leave Act 2010												
3.	s. 22(1)(a)(ii)												

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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 18th April 2018

MICHAEL PEZZULLO
Secretary of the Department of Home Affairs

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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.

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*.

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*.

The 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 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.

Part 2 – Delegations and Authorisations for Immigration and Citizenship Services 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 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 of 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 level 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 section 261AK of the Migration Act.

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.

Part 3 – Revocation

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.

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

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

6

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

7

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
19.	s. 22(1)(a)(ii)												
20.													
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

8

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
29.	s. 22(1)(a)(ii)												
30.													
31.													
32.													
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													
51.													
52.													
53.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

10

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 No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>								
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
54.	s. 22(1)(a)(ii)												
55.													
56.													
57.													
58.													
59.													
60.													
61.													
62.													
63.													
64.													
65.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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.

‘SAO’ means the person is a senior authorising officer for the power indicated.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
66.	s. 22(1)(a)(ii)												
67.													
68.													
69.													
70.													
71.													
72.													
73.													
74.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

12

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 No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
75.	s. 22(1)(a)(ii)												
76.													
77.													
78.													
79.													
80.													
81.													
82.													
83.													
84.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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.

‘SAO’ means the person is a senior authorising officer for the power indicated.

Item 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
85.	s473CB	Material to be provided to Immigration Assessment Authority			X	X	X	X	X	X	X	X	X
86.	s. 22(1)(a)(ii)												
87.													
88.													
89.													
90.													
91.													
92.													
93.													

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.

‘SAO’ means the person is a senior authorising officer for the power indicated.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
94.	s. 22(1)(a)(ii)												
95.													
96.													
97.													
98.													
99.													
100.													
101.													
102.													
103.													
104.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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.

‘SAO’ means the person is a senior authorising officer for the power indicated.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ 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.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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.

‘SAO’ means the person is a senior authorising officer for the power indicated.

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
114.	s. 22(1)(a)(ii)												
115.													
116.													
117.													
118.													
119.													
120.													
121.													
122.													
123.													

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

17

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

Secretary – Delegations and Authorisations Instrument No. 7 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 7 of 2018)

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.


‘SAO’ means the person is a senior authorising officer for the power indicated.



**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

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Part 1 – Preliminary

1 Name

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*.

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*.

The Department means the Department of Home Affairs.

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

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 provision of a regulation (or subordinate part of a provision of a regulation) in an item in the Schedules is 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.

Part 2 – Delegations and Authorisations for Immigration and Citizenship Services 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 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.

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.

Part 3 – Revocation

9 Revocation of instruments

- (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;
 - i) *Migration (Secretary) (Condition 8547) Delegation 2017* (DEL 17/110) signed on 22 December 2017;
 - j) *Migration (Secretary) (Visa and Citizenship Management Division) Delegation 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.

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

Item 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	
Migration Act 1958													
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 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.

AG means the person is an authorised officer for the power indicated.

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

AP means the person is an authorised person for the power indicated.

under the AP Act and the Information Act 1982

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
8.	s. 22(1)(a)(ii)												
9.													
10.													
11.													
12.													
13.													
14.													
15.													
16.													
17.													
18.													
19.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 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.

Released under the ~~Provision of Information Act 1982~~

Item No.	COLUMN 1	COLUMN 2		COLUMN 3									
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
20.	s. 22(1)(a)(ii)												
21.													
22.													
23.													
24.													
25.													
26.													
27.													
28.													
29.													
30.													
31.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 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' means the person is an authorised officer for the power indicated.

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

Released under the provisions of the Information Act 1982

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
32.		s. 22(1)(a)(ii)											
33.													
34.													
35.													
36.													
37.													
38.													
39.													
40.													
41.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 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.

‘SAG’ means the person is a senior authorising officer for the power indicated.

Released under the provisions of the Official Information Act 1982

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
42.	s. 22(1)(a)(ii)												
43.													
44.													
45.													
46.													
47.													
48.													
49.													
50.													
51.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

10

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.

under the Information Act 1982

Item No.	COLUMN 1 PROVISION s. 22(1)(a)(ii)	COLUMN 2 SECTION HEADING/ Description (for information only)	COLUMN 3											
			APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3	
52.														
53.														
54.														
55.														
56.														
57.														
58.														
59.														
60.														
61.														
62.														
63.														

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

11

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.

Released under the Privacy and Information Act 1982

Item No.	COLUMN 1	COLUMN 2			COLUMN 3								
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
64.	s. 22(1)(a)(ii)												
65.													
66.													
67.													
68.													
69.													
70.													
71.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 5 of 2018)

12

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.

Released under the *Freedom of Information Act 1982*

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
72.	s. 22(1)(a)(ii)												
73.													
74.													
75.													
76.													
77.													
78.													
79.													
80.													
81.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

13

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.

Released under the Privacy and Information Act 1982

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
82.	s. 22(1)(a)(ii)												
83.	s473CB	Material to be provided to Immigration Assessment Authority			X	X	X	X	X	X	X	X	X
84.	s. 22(1)(a)(ii)												
85.													
86.													
87.													
88.													
89.													
90.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No. 5 of 2018)

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

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

For the purposes of the Information Act 1982

Released under the Official Information Act 1982

Item 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
91.	s. 22(1)(a)(ii)												
92.													
93.													
94.													
95.													
96.													
97.													
98.													
99.													
100.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

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

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

under the Privacy and Information Act 1982

Item No.	COLUMN 1	COLUMN 2		COLUMN 3									
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
101.													
102.													
103.													
104.													
Migra													
105.													
106.													
107.													
108.													
109.													
110.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

16

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.

under the Privacy and Information Act 1982

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
111.	s. 22(1)(a)(ii)												
112.													
113.													
114.													
115.													
116.													
117.													
118.													
119.													
120.													
121.													

Secretary – Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

17

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.

Released under the provisions of the Information Act 1982

Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/ Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
122.	s. 22(1)(a)(ii)												
123.													
124.													
125.													

Secretary - Delegations and Authorisations Instrument No. 5 of 2018 (Immigration and Citizenship Services Group)
(SHA No.5 of 2018)

18

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.

under the Information Act 1982



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 12th December 2017

MICHAEL PEZZULLO
Secretary for Immigration and Border Protection

*Migration (Secretary) (Refugee and Humanitarian Visa Management Division)
Delegation and Authorisation 2017 (GIDAS 6)*

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Refugee and Humanitarian Visa Management Division									
Item	Power - Section/Regulation	Title/description (for information only)	APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2	
1	s. 22(1)(a)(ii)								
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									

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15	s. 22(1)(a)(ii)						
16	s473CB	Giving review material to the Immigration Assessment Authority in relation to Fast Track reviewable decisions	X	X	X	X	X
17	s. 22(1)(a)(ii)						
18							
19							
20							

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Refugee and Humanitarian Visa Management Division											
Item	Power - Section/Regulation	Title/description (for information only)				APS 3	APS 4	APS 5	APS 6	EXEC 1	EXEC 2
1	s. 22(1)(a)(ii)										

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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 25th June 2015

A handwritten signature in blue ink, appearing to read 'MP', located below the date.

Secretary of the Department of Immigration and Border Protection

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 by the Secretary			
	s473CB	Visa condition 8103	Visa condition 8108	Visa condition 8109
Temporary Protection Visa Assessment Branch				
EXEC2	X	s. 22(1)(a)(ii)		
EXEC1	X			
APS6	X			
APS5	X			
APS4	X			
APS3	X			
APS2				
APS1				

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

Location and level or classification of position	Secretary's powers under the <i>Migration Act 1958</i> and the <i>Migration Regulations 1994</i> as delegated or provisions under which officers are made authorised officers by the Secretary	
Onshore Protection Branch	s. 22(1)(a)(ii)	s. 22(1)(a)(ii)
EXEC2		s473CB
EXEC1		X
APS6		X
APS5		X
APS4		X
APS3		X
APS2		X
APS1		



Immigration Detention Group (Secretary) Instrument 2019

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

Dated 30 June 2019


Michael Pezzullo
Secretary of the Department of Home Affairs

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Part 1 - Preliminary

1 Name

- (1) This instrument is the *Immigration Detention Group (Secretary) Instrument 2019*.
- (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.

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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*.

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*.

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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 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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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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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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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.

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.

11 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 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.

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-
- (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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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 261AK(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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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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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

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

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Schedule 2 - Delegations under the Crimes Act

Item No.	COLUMN 1		COLUMN 2		COLUMN 3			
	PROVISION		SECTION HEADING/Description (for information only)		APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
Crimes Act 1914								
1.	s. 22(1)(a)(ii)							
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								

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.

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'NOM' indicates a nomination.

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Schedule 3 – Delegations and authorisations under the Migration Act and the Migration Regulations

Item						
No.	COLUMN 1		COLUMN 2		COLUMN 3	
	PROVISION		SECTION HEADING/Description (for information only)		APS1 - 4	APS5 - 6 EL1 - 2 SES1 - 3
Migration Act 1958						
	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:

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
10.	s. 22(1)(a)(ii)					
11.						
12.						
13.						
14.						
15.						
16.						
17.						
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19.						
20.						
21.						
22.						
23.						
24.						
25.						

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
26.	s. 22(1)(a)(ii)					
27.						
28.						
29.						
30.						
31.						
32.						
33.						
34.						
35.						
36.						
37.						
38.						
39.						

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Item						
No.	COLUMN 1		COLUMN 2		COLUMN 3	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
40.	s. 22(1)(a)(ii)					
41.						
42.						
43.						
44.						
45.						
46.						
47.						
48.						
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51.						
52.						
53.						
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57.						

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
58.	s. 22(1)(a)(ii)					
59.						
60.						
61.						
62.						
63.						
64.						
65.						
66.						
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68.						
69.						
70.						

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Item						
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>			
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
71.	s. 22(1)(a)(ii)					
72.	s473CB	473CB Material to be provided to Immigration Assessment Authority				X
73.	s. 22(1)(a)(ii)					
74.						
75.						
76.						
77.						
78.						
79.						
80.						
81.						
82.						
83.						
84.						
85.						

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Item											
No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>								
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3					
86.	s. 22(1)(a)(ii)										
87.											
88.											
89.											
90.											
91.											
92.											
93.											
Migra											
94.											
95.											
96.											

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Item						
No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>	
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1 - 2	SES1 - 3
97.	s. 22(1)(a)(ii)					
98.						
99.						
100.						
101.						
102.						
103.						
104.						
105.						
106.						
107.						
108.						
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111.						

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Schedule 4 – Delegations, authorisations, approvals and nominations under the TIA Act

Item No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>				
	PROVISION	SECTION HEADING/Description (for information only)	APS1 - 4	APS5 - 6	EL1	EL2	SES1 - 3		
	Telecommunications (Interception and Access) Act 1979								
1.	s. 22(1)(a)(ii)								
2.									
3.									
4.									
5.									
6.									
7.									
8.									

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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>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	Migration Act 1958												
1.	s. 22(1)(a)(ii)												
2.													
3.													
4.													
5.													
6.													
7.													
8.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
9.	s. 22(1)(a)(ii)												
10.													
11.													
12.													
13.													
14.													
15.													

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Item No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>		<u>COLUMN 3</u>								
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
16.	s. 22(1)(a)(ii)												
17.													
18.													
19.													
20.													

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Item No.	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
21.	s. 22(1)(a)(ii)												
22.													
23.													
24.													
25.													
26.													

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Item													
No.	<u>COLUMN 1</u>		<u>COLUMN 2</u>			<u>COLUMN 3</u>							
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
27.	s. 22(1)(a)(ii)												
28.													
29.													
30.													
31.													
32.													

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>	<u>COLUMN 2</u>	<u>COLUMN 3</u>										
	PROVISION	SECTION HEADING/Description (for information only)	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
	s. 22(1)(a)(ii)												
33.													

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