



Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Minister) Instrument 2019/226

I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs make the following instrument.

Dated

9 / 12 / 2019

The Hon David Coleman MP

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

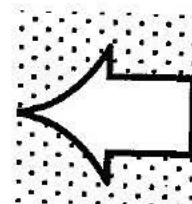


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Part 1 – Preliminary

1 Name

- (1) This instrument is the *Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Minister) Instrument 2019/226*.
- (2) It may be cited as LIN 19/226.

2 Commencement

The whole of this instrument commences on the later of:

- (a) 16 November 2019; or
- (b) the day after signature.

3 Authority

This instrument is made under the *Acts Interpretation Act 1901*, the *Australian Citizenship Act 2007*, the *Australian Citizenship Regulation 2016*, the *Migration Act 1958*, the *Migration Regulations 1994*, the *Telecommunications (Interception and Access) Act 1979* and the *Criminal Code Act 1995*.

4 Definitions

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

- (a) *authorised officer* is defined in subsection 5(1) of the *Migration Act* and regulation 1.03 of the *Migration Regulations*; and
- (b) *clearance officer* is defined in section 165 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:

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.

Citizenship Act means the *Australian Citizenship Act 2007*.

Citizenship Regulation means the *Australian Citizenship Regulation 2016*.

Classification Rules means the *Public Service Classification Rules 2000*.

Criminal Code means the Schedule to the *Criminal Code Act 1995*.

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 Immigration and Settlement 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.

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

5 Schedules

The instruments specified in Schedule 4 to this instrument are repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 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 a Schedule is a reference to the section (or subordinate part of the 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 a subordinate part of a provision) in an item in Schedule is a reference to the provision of the regulation (or subordinate part of a provision of a/the 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 Preliminary

1 Citizenship delegations

Under subsection 53(1) of the Citizenship Act, the powers and functions specified in the provision mentioned in column 1 of an item in the table in Schedule 1, are delegated to any 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 that item.

2 Migration delegations

- (1) Under subsection 496(1) of the Migration Act:
 - (a) the powers specified in the provision mentioned in column 1 of an item in the table in Schedule 2, are delegated, 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 an ‘instrument in writing’¹, to any 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 that item; and
 - (b) for the purposes of section 112(3) of the *Regulatory Powers (Standard Provisions) Act 2014*, the powers specified under section 140RA of the Migration Act in column 1 of an item in the table in Schedule 2, are delegated to any 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 that item.
- (2) Under section 143 of the Migration Act, the powers specified in the provision mentioned in column 1 of an item in the table in Schedule 2, are delegated 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 an ‘instrument in writing’², to any person from time to time holding, occupying, or performing the duties of a position in the Citizenship and Social Cohesion Group

¹ Note that under this instrument, the powers under the Migration Act that are exercised by making a legislative instrument are not delegated.

² See footnote 1 above.

or the Immigration and Settlement Services Group at the classification level identified by "X" in column 3 of that item.

- (3) Under subregulation 1.16(1) of the Migration Regulations, the powers specified in the provision mentioned in column 1 of an item in the table in Schedule 2, are delegated, 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 an 'instrument in writing'³, to any 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 that item.

3 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 Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "AO" in column 3 of an item in the table in Schedule 2, is authorised for the purposes of the provision specified in column 1 of that item.
- (2) Under the definition of "*clearance officer*" in section 165 of the Migration Act, any 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 "CO" in column 3 of an item in the table in Schedule 2, is authorised to perform the duties of a "clearance officer" for the purposes of Division 5 of Part 2 of the Migration Act and in relation to the provision identified in column 1 of that item.
- (3) 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 Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group at the classification level identified by "AO" in column 3 of an item in the table in Schedule 2, is authorised for the purposes of the provision specified in column 1 of that item.
- (4) Under the definition of '*authorised migration officer*' in subsection 503A(9) of the Migration Act, any commonwealth 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

³ Note that under this instrument, the powers under the Migration Act that are exercised by making a legislative instrument are not delegated.

classification level identified by "AMO" in column 3 of an item in the table in Schedule 2, is authorised for the purposes of the provision specified in column 1 of that item.

4 TIA authorisations

Under subsection 187KB(3) of TIA Act, the Minister's power to enter into an agreement under subsection 187KB(2) of the TIA Act on behalf of the Commonwealth is delegated to any person from time to time holding, occupying or performing the duties of a position at the classification levels of SES1, SES2, or SES3 in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group.

5 Criminal Code delegations

Under section 105A.20 of the Criminal Code, the powers and functions specified in the provision mentioned in column 1 of an item in the table in Schedule 3, are delegated to any person from time to time holding, occupying, or performing the duties of a position at the classification level identified by "X" in column 3 of that item in the work area in column 4 of that item.

Schedule 1 — Delegations and Authorisations under the Citizenship Act and Citizenship 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
Australian Citizenship Act 2007													
1.	s16(2)(c)	Application and eligibility for citizenship			X	X	X	X	X	X	X	X	X
2.	s16(3)(c)	Application and eligibility for citizenship				X	X	X	X	X	X	X	X
3.	s17	Minister's decision to approve or refuse a person's citizenship				X	X	X	X	X	X	X	X
4.	s18	Registration of citizenship				X	X	X	X	X	X	X	X
5.	s19C(2)(g)	Application and eligibility for citizenship				X	X	X	X	X	X	X	X
6.	s19D	Minister's decision to approve or refuse a person's application under section 19C for citizenship				X	X	X	X	X	X	X	X
7.	s19E	Registration of person's citizenship				X	X	X	X	X	X	X	X
8.	s21	Application and eligibility for citizenship				X	X	X	X	X	X	X	X
9.	s22	General residence requirement				X	X	X	X	X	X	X	X
10.	s22A	Special residence requirement - persons engaging in activities that are of benefit to Australia				X	X	X	X	X	X	X	X
11.	s22B	Special residence requirement - persons engaged in particular kinds				X	X	X	X	X	X	X	X

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
		of work requiring regular travel outside Australia											
12.	s24	Minister's decision to approve or refuse a person's citizenship under section 21				X	X	X	X	X	X	X	X
13.	s25	Minister may cancel approval given to a person under section 24				X	X	X	X	X	X	X	X
14.	s26	Pledge of commitment must be made				X	X	X	X	X	X	X	X
15.	s29	Application and eligibility for resuming citizenship				X	X	X	X	X	X	X	X
16.	s30	Minister's decision to approve or refuse citizenship regarding application and eligibility for resuming citizenship				X	X	X	X	X	X	X	X
17.	s31	Registration of person resuming Australian citizenship				X	X	X	X	X	X	X	X
18.	s33	Renunciation by application				X	X	X	X	X	X	X	X
19.	s37	Evidence of Australian Citizenship			X	X	X	X	X	X	X	X	X
20.	s38(1)	Surrender of evidentiary notice: Request for surrender							X	X	X	X	X
21.	s38(2)	Surrender of evidentiary notice: Request for surrender			X	X	X	X	X	X	X	X	X
22.	s45B	Seizure of bogus documents				X	X	X	X	X	X	X	X
23.	s45D	Dealing with a document after it is condemned as forfeited						X	X	X	X	X	X

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
24.	s46(2)	Application requirements: Approval of forms									X	X	X
25.	s47	Notification of decisions				X	X	X	X	X	X	X	X
26.	s48(1)	Computerised decision-making – computer-based decisions									X	X	X
27.	s48(3)	Computerised decision-making – substituting the Minister's decision				X	X	X	X	X	X	X	X
Australian Citizenship Regulation 2016													
28.	r17	Refund of fees under subsection 46(3) of the Australian Citizenship Act						X	X	X	X	X	X

Schedule 2 — Delegations and Authorisations under the Migration Act and Migration Regulations Repeals

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.	s5(1) 'bogus document'	Interpretation – definition of "bogus document"	X	X	X	X	X	X	X	X	X	X	X
2.	s5(1) 'excluded fast track review applicant'	Interpretation – definition of "excluded fast track review applicant"			X	X	X	X	X	X	X	X	X
3.	s5(1) 'immigration detention'	Interpretation – definition of "immigration detention"			X	X	X	X	X	X	X	X	X
4.	s16	Removal of immigration rights of inhabitant of Protected Zone						X	X	X	X	X	X
5.	s17(1) & (2)	Pre-cleared flights by Minister					X	X	X	X	X	X	X
6.	s17(3)	Pre-cleared flights					AO	AO	AO	AO	AO	AO	AO
7.	s18	Power to obtain information and documents about unlawful non-citizens	X	X	X	X	X	X	X	X	X	X	X
8.	s25	Copies of documents	X	X	X	X	X	X	X	X	X	X	X
9.	s26	Minister may retain documents	X	X	X	X	X	X	X	X	X	X	X
10.	s29	Visas	X	X	X	X	X	X	X	X	X	X	X
11.	s36	Protection Visas			X	X	X	X	X	X	X	X	X
12.	s41	Conditions on visas				X	X	X	X	X	X	X	X

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
13.	s41(2A)	Conditions on visas	X	X	X	X	X	X	X	X	X	X	X
14.	s41(3)	Conditions on visas: Power to specify conditions on visas	X	X	X	X	X	X	X	X	X	X	X
15.	s43(1)(d)	Visa holders must usually enter at a port: in a way authorised in writing by an authorised officer	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
16.	s46(2A)(aa)	Visa applications by unauthorised maritime arrivals	X	X	X	X	X	X	X	X	X	X	X
17.	s47	Consideration of valid visa application	X	X	X	X	X	X	X	X	X	X	X
18.	s50	Only new information to be considered in later protection visa applications					X	X	X	X	X	X	X
19.	s51	Order of consideration for visa applications	X	X	X	X	X	X	X	X	X	X	X
20.	s54	Minister must have regard to all information in application			X	X	X	X	X	X	X	X	X
21.	s55	Further information may be given			X	X	X	X	X	X	X	X	X
22.	s56	Further information may be sought	X	X	X	X	X	X	X	X	X	X	X
23.	s57	Certain information must be given to applicant	X	X	X	X	X	X	X	X	X	X	X
24.	s58	Invitation to give further information or comments	X	X	X	X	X	X	X	X	X	X	X
25.	s59	Interviews	X	X	X	X	X	X	X	X	X	X	X

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
26.	s60	Medical examination	X	X	X	X	X	X	X	X	X	X	X
27.	s62	Failure to receive information does not require action	X	X	X	X	X	X	X	X	X	X	X
28.	s63	When decision about visa may be made	X	X	X	X	X	X	X	X	X	X	X
29.	s64	Notice that visa application charge is payable	X	X	X	X	X	X	X	X	X	X	X
30.	s65	Decision to grant or refuse to grant visa	X	X	X	X	X	X	X	X	X	X	X
31.	s66	Notification of decision	X	X	X	X	X	X	X	X	X	X	X
32.	s72	Interpretation			X	X	X	X	X	X	X	X	X
33.	s73	Bridging visas	X	X	X	X	X	X	X	X	X	X	X
34.	s75(2)	When eligible non-citizen in immigration detention granted visa			X	X	X	X	X	X	X	X	X
35.	s87A	Limit does not prevent the grant of visas to certain people who are unable to meet health or character requirements before the limit applies because of circumstances beyond their control			X	X	X	X	X	X	X	X	X
36.	s91	Order of dealing with visas			X	X	X	X	X	X	X	X	X
37.	s91W(2)	Evidence of identity and bogus documents						X	X	X	X	X	X
38.	s91WA	Providing bogus documents or destroying identity documents						X	X	X	X	X	X

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
39.	s93	Determination of applicant's score			X	X	X	X	X	X	X	X	X
40.	s94	Initial application of "points" system			X	X	X	X	X	X	X	X	X
41.	s95	Applications in pool			X	X	X	X	X	X	X	X	X
42.	s107	Notice of incorrect applications			X	X	X	X	X	X	X	X	X
43.	s108	Decision about non-compliance			X	X	X	X	X	X	X	X	X
44.	s109	Cancellation of visa if information incorrect			X	X	X	X	X	X	X	X	X
45.	s116	Power to cancel	X	X	X	X	X	X	X	X	X	X	X
46.	s119	Notice of proposed cancellation	X	X	X	X	X	X	X	X	X	X	X
47.	s120	Certain information must be given to visa holder	X	X	X	X	X	X	X	X	X	X	X
48.	s121	Invitation to give comments etc.	X	X	X	X	X	X	X	X	X	X	X
49.	s123	Failure to accept invitation not require action	X	X	X	X	X	X	X	X	X	X	X
50.	s124	When decision about visa cancellation may be made	X	X	X	X	X	X	X	X	X	X	X
51.	s127	Notification of decision	X	X	X	X	X	X	X	X	X	X	X
52.	s128	Cancellation of visas of people outside Australia	X	X	X	X	X	X	X	X	X	X	X
53.	s129	Notice of cancellation	X	X	X	X	X	X	X	X	X	X	X
54.	s131	Decision about revocation of cancellation	X	X	X	X	X	X	X	X	X	X	X
55.	s132	Notification of decision about revocation of cancellation	X	X	X	X	X	X	X	X	X	X	X
56.	s133(2)	Effect of revocation of cancellation	X	X	X	X	X	X	X	X	X	X	X

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
57.	s133E	Cancellation under subsection 133A(1) or 133C(1)—notice of cancellation: Minister to give written notice of cancellation decision			X	X	X	X	X	X	X	X	X
58.	s133F	Cancellation under subsection 133A(3) or 133C(3)—Minister may revoke cancellation in certain circumstances			X	X	X	X	X	X	X	X	X
59.	s134B	Emergency cancellation on security grounds				X	X	X	X	X	X	X	X
60.	s134C	Decision about revocation of emergency cancellation			X	X	X	X	X	X	X	X	X
61.	s134D	Effect of revocation of cancellation			X	X	X	X	X	X	X	X	X
62.	s134E	Notice of cancellation			X	X	X	X	X	X	X	X	X
63.	s134F	Effect of cancellation on other visas			X	X	X	X	X	X	X	X	X
64.	s134	Cancellation of business visas			X	X	X	X	X	X	X	X	X
65.	s135	Representations concerning cancellation of business visa			X	X	X	X	X	X	X	X	X
66.	s137J	Non-complying students may have their visas automatically cancelled									X	X	X
67.	s137L	Dealing with the application – Minister's power to revoke a cancellation	X	X	X	X	X	X	X	X	X	X	X
68.	s137M	Notification of decision	X	X	X	X	X	X	X	X	X	X	X

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
69.	s137Q	Cancellation of regional sponsored employment visas			X	X	X	X	X	X	X	X	X
70.	s137R	Representations concerning cancellation etc			X	X	X	X	X	X	X	X	X
71.	s137S	Notice of cancellation			X	X	X	X	X	X	X	X	X
72.	s138	Cancellation and revocation of cancellation of visas - how and when	X	X	X	X	X	X	X	X	X	X	X
73.	s140(2)	Cancellation of visa results in other cancellation	X	X	X	X	X	X	X	X	X	X	X
74.	s140E	Minister to approve sponsor			X	X	X	X	X	X	X	X	X
75.	s140GA	Variation of terms of approval as a sponsor			X	X	X	X	X	X	X	X	X
76.	s140GB	Minister to approve nominations			X	X	X	X	X	X	X	X	X
77.	s140GBA(3)	Labour market testing—condition			X	X	X	X	X	X	X	X	X
78.	s140K	Sanctions for failing to satisfy sponsorship obligations			X	X	X	X	X	X	X	X	X
79.	S140L	Regulations may prescribe circumstances in which sponsor may be barred or sponsor's approval cancelled									X	X	X
80.	s140M	Cancelling approval as a sponsor or barring a sponsor								X	X	X	X
81.	s140O	Waiving a bar								X	X	X	X
82.	s140RA	Enforceable undertakings			X	X	X	X	X	X	X	X	X

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
83.	s140RB	<i>Saved provision-</i> Minister may apply for court order where a person has breached an undertaken given under s140RA									X	X	X
84.	s140T	Notice regarding amount of debt or other amount						X	X	X	X	X	X
85.	s140V	Inspectors									X	X	X
86.	s140W	Identity cards							X	X	X	X	X
87.	s140ZH	Disclosure of personal information by Minister	X	X	X	X	X	X	X	X	X	X	X
88.	s140ZI	Disclosure of personal information to Minister	X	X	X	X	X	X	X	X	X	X	X
89.	s145(1)	Give a certificate that the presence of a non-citizen in Australia is required for the administration of criminal justice									X	X	X
90.	s146(2)	Endorse a certificate, given by an authorised official for a State under subsection 146 (1), with a statement that the certificate is to be a criminal justice certificate for the purpose of Division 4									X	X	X
91.	s147(1)	Give a certificate that the stay of a non-citizen's removal or									X	X	X

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
		deportation is required for the administration of criminal justice											
92.	s158	Criteria for criminal justice visas						X	X	X	X	X	X
93.	s159	Procedure for obtaining criminal justice visa						X	X	X	X	X	X
94.	s162(1)(a)	Cancel a criminal justice certificate issued under section 145 or 147.									X	X	X
95.	s164	Effect of cancellation etc. on criminal justice visa			X	X	X	X	X	X	X	X	X
96.	Division 5 of Part 2 (s165-s175B)	Immigration clearance				CO	CO	CO	CO	CO	CO	CO	CO
97.	s165	Authorisation to be clearance officer	CO	CO	CO	CO	CO	CO	CO	CO	CO	CO	CO
98.	s169(3)	Section 166 not usually to apply									X	X	X
99.	s191(1)	End of certain detention			CO	CO	CO	CO	CO	CO	CO	CO	CO
100.	s191(2)	End of certain detention			AO	AO	AO	AO	AO	AO	AO	AO	AO
101.	s200	Deportation of certain non-citizens					X	X	X	X	X	X	X
102.	s205	Dependants of deportee			X	X	X	X	X	X	X	X	X
103.	s206	Deportation order to be executed					X	X	X	X	X	X	X
104.	s220	Waiver of requirement			X	X	X	X	X	X	X	X	X
105.	s231	Master of vessel to comply with certain requests	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
106.	s250	Detention of suspected offenders			AO	AO	AO	AO	AO	AO	AO	AO	AO
107.	s252	Searches of persons			AO	AO	AO	AO	AO	AO	AO	AO	AO

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
108.	s252AA	Power to conduct a screening procedure									AO	AO	AO
109.	s252A	Power to conduct a strip search									AO	AO	AO
110.	s253(8)&(9)	Detention of deportee			X	X	X	X	X	X	X	X	X
111.	s257A	Person may be required to provide personal identifiers	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
112.	s258G	Authorised officer may get help to carry out the identification test	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
113.	s261AA	Immigration detainees must provide personal identifiers			AO	AO	AO	AO	AO	AO	AO	AO	AO
114.	s261AB	Authorised officers must require and carry out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
115.	s261AE	Use of force in carrying out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
116.	s261AG	Authorised officer may get help to carry out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
117.	s261AJ	Recording of identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
118.	s261AK	Retesting			AO	AO	AO	AO	AO	AO	AO	AO	AO
119.	s261AL	Minors	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
120.	s261AM	Incapable persons	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
121.	s261B	Seizure of things used in certain offences					AO	AO	AO	AO	AO	AO	AO
122.	s261F(1)(b)	Thing condemned if not claimed in time									X	X	X
123.	s261G(1)(b)	Dealing with claim for thing									X	X	X
124.	s269	Securities			AO	AO	AO	AO	AO	AO	AO	AO	AO

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
125.	s272	Migrant centres									X	X	X
126.	s292A	Applicant must not be registered if any barring period has not ended			X	X	X	X	X	X	X	X	X
127.	s305B	Providing disciplinary details to clients			X	X	X	X	X	X	X	X	X
128.	s306AC	Minister may refer registered migration agent to the Migration Agents Registration Authority					X	X	X	X	X	X	X
129.	s306AE	Registered migration agent may make submissions							X	X	X	X	X
130.	s306AF	Notice of referral decision under section 306AC					X	X	X	X	X	X	X
131.	s306AG	Migration Agents Registration Authority's decision after a referral under section 306AC			X	X	X	X	X	X	X	X	X
132.	s306AGAA	Minister may refer agent again if Migration Agents Registration Authority takes no disciplinary action								X	X	X	X
133.	s306AGAB	Notice of referral decision under section 306AG								X	X	X	X
134.	s311H	Minister may refer former registered migration agent for disciplinary action				X	X	X	X	X	X	X	X
135.	s311J	Former registered migration agent may make submissions				X	X	X	X	X	X	X	X

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
136.	s311K	Notice of referral decision				X	X	X	X	X	X	X	X
137.	s317	General powers of the Migration Agents Registration Authority			X	X	X	X	X	X	X	X	X
138.	s321A	Disclosure of personal information by the Migration Agents Registration Authority				AO	AO	AO	AO	AO	AO	AO	AO
139.	s375	Restrictions on disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
140.	s375A	Certain information only to be disclosed to Tribunal			X	X	X	X	X	X	X	X	X
141.	s376	Tribunal's discretion in relation to disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
142.	s437	Restrictions on disclosure of certain information etc.				X	X	X	X	X	X	X	X
143.	s438	Tribunal's discretion in relation to disclosure of certain information etc.				X	X	X	X	X	X	X	X
144.	s473CA	Referral of fast track reviewable decisions				X	X	X	X	X	X	X	X
145.	s473GA(2)	Restrictions on disclosure of certain information etc.				X	X	X	X	X	X	X	X
146.	s473GB	Immigration Assessment Authority's discretion in relation to disclosure of certain information etc.			X	X	X	X	X	X	X	X	X

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
147.	s486R	Civil penalty orders									X	X	X
148.	s488(4)	Modify movement records							AO	AO	AO	AO	AO
149.	s494A	Giving documents by Minister where no requirement to do so by section 494B method	X	X	X	X	X	X	X	X	X	X	X
150.	s494B	Methods by which Minister gives documents to a person	X	X	X	X	X	X	X	X	X	X	X
151.	s494B(2), (3) & (6)	Methods by which Minister gives documents to a person (by way of authorised officer)	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
152.	s494D	Authorised recipient			X	X	X	X	X	X	X	X	X
153.	s494D(5)(c)	Authorised recipient: Circumstances in which Minister does not need to comply with conditions under subsection 494D(1)	X	X	X	X	X	X	X	X	X	X	X
154.	s501(1),(2)	Refusal or cancellation of visa on character grounds: Minister's power to refuse to grant a visa if the Minister is not satisfied that the person passes the character test							X	X	X	X	X
155.	s501(3A)	Mandatory cancellation				X	X	X	X	X	X	X	X
156.	s501C(3)	Notification of decision under s501(3) or s501A(3) and invitation to make representations				X	X	X	X	X	X	X	X

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
157.	s501CA(3)	Written notification of decision and invitation to make representations				X	X	X	X	X	X	X	X
158.	s501CA(4)	Decision to revoke the original decision							X	X	X	X	X
159.	s501G	Refusal of visa - notification of decision				X	X	X	X	X	X	X	X
160.	s501L	Disclosure of information to the Minister									X	X	X
161.	s503A	Protection of information supplied by law enforcement agencies of intelligence agencies	AMO	AMO	AMO	AMO	AMO	AMO	AMO	AMO	AMO	AMO	AMO
Migration Regulations 1994													
162.	r1.03	Definitions	X	X	X	X	X	X	X	X	X	X	X
163.	r1.04	Adoption			X	X	X	X	X	X	X	X	X
164.	r1.08	Compelling need to work	X	X	X	X	X	X	X	X	X	X	X
165.	r1.20	Sponsorship undertakings	X	X	X	X	X	X	X	X	X	X	X
166.	r1.20J	Limitation on approval of sponsorships - spouse, partner, prospective marriage and interdependency visas			X	X	X	X	X	X	X	X	X
167.	r1.20K	Limitation on sponsorships—remaining relative visas							X	X	X	X	X
168.	r1.20KA	Limitation on approval of sponsorship—partner (provisional or temporary) or prospective marriage (temporary) visas	X	X	X	X	X	X	X	X	X	X	X

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
169.	r1.20KB	Limitation on approval of sponsorship—child, partner and prospective marriage visas: Sponsor convicted of registrable offence			X	X	X	X	X	X	X	X	X
170.	r1.20L	Limitation on approval of sponsorship—Subclass 600 (Visitor) visas			X	X	X	X	X	X	X	X	X
171.	r1.20LAA	Limitation on sponsorships—parent, aged dependent relative, contributory parent, aged parent and contributory aged parent visas			X	X	X	X	X	X	X	X	X
172.	r2.03AA	Criteria applicable to character tests and security assessments			X	X	X	X	X	X	X	X	X
173.	r2.07AK(3)(g) & (h), (4)	Applications for Referred Stay (Permanent) (Class DH) visas						AO	AO	AO	AO	AO	AO
174.	r2.07AK(3)(g) & (h), (4)	Applications for Referred Stay (Permanent) (Class DH) visas									X	X	X
175.	r2.08A	Addition of certain applicants to certain applications for permanent visas			X	X	X	X	X	X	X	X	X
176.	r2.08B	Addition of certain dependent children to certain applications for temporary visas			X	X	X	X	X	X	X	X	X
177.	r2.11	Special provisions for certain visa applications that are refused			X	X	X	X	X	X	X	X	X

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
178.	r2.12F	Refund of first instalment of visa application charge						X	X	X	X	X	X
179.	r2.12H	Refund of second instalment of visa application charge						X	X	X	X	X	X
180.	r2.13	Communication with Minister			X	X	X	X	X	X	X	X	X
181.	r2.14	Where written communication must be sent									X	X	X
182.	r2.15	Response to invitation to give additional information or comments—prescribed periods			X	X	X	X	X	X	X	X	X
183.	r2.16	Notification of decision on visa application			X	X	X	X	X	X	X	X	X
184.	r2.20	Eligible non-citizen (Act, s 72)			X	X	X	X	X	X	X	X	X
185.	r2.21A	Grant of Bridging A (Class WA) visas without application			X	X	X	X	X	X	X	X	X
186.	r2.21B	Grant of Bridging A (Class WA), Bridging C (Class WC) and Bridging E (Class WE) visas without application			X	X	X	X	X	X	X	X	X
187.	r2.25	Grant of Bridging E (Class WE) visas without application			X	X	X	X	X	X	X	X	X
188.	r2.25A	Referral to Medical Officers of the Commonwealth			X	X	X	X	X	X	X	X	X
189.	r2.42	Notice of decision to cancel visa under s109			X	X	X	X	X	X	X	X	X
190.	r2.43	Grounds for cancellation of visa			X	X	X	X	X	X	X	X	X

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
191.	r2.55	Giving of documents relating to proposed cancellation, cancellation or revocation of cancellation			X	X	X	X	X	X	X	X	X
192.	r2.61(4)	Application for approval as a sponsor							X	X	X	X	X
193.	r2.62	Notice of decision			X	X	X	X	X	X	X	X	X
194.	r2.69	Notice of decision			X	X	X	X	X	X	X	X	X
195.	r2.73AA	Refund of nomination fee – subclass 457 visa and subclass 482 visa							X	X	X	X	X
196.	r2.73C	Refund of nomination fee – subclass 494							X	X	X	X	X
197.	r2.74	Notice of decision			X	X	X	X	X	X	X	X	X
198.	r2.80	Obligation to pay travel costs to enable sponsored persons to leave Australia				X	X	X	X	X	X	X	X
199.	r2.81	Obligation to pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen				X	X	X	X	X	X	X	X
200.	r2.83	Obligation to provide records and information to the Minister				X	X	X	X	X	X	X	X
201.	r2.96	Notice of intention to take action				X	X	X	X	X	X	X	X
202.	r2.98	Notice of decision			X	X	X	X	X	X	X	X	X
203.	r2.102	Process to waive a bar									X	X	X
204.	r2.103	Disclosure of personal information by Minister									X	X	X

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
205	r2.104	Circumstances in which the Minister may disclose personal information									X	X	X
206	r2.106	Disclosure of personal information to Minister									X	X	X
207	r3.10	Use of information			X	X	X	X	X	X	X	X	X
208	r5.19	Approval of nominated positions (employer nomination scheme and regional sponsored migration scheme)			X	X	X	X	X	X	X	X	X
209	r5.19E(3)(f)	Complying entrepreneur activity			X	X	X	X	X	X	X	X	X
210	r5.34F	Disclosure of information to police and Australian Crime Commission								X	X	X	X
211	r5.37A	Refund of employer nomination fee and nomination training contribution charge							X	X	X	X	X
212	r5.41A(5)(c)	Credit card surcharge						X	X	X	X	X	X
213	r5.41A(5)(d)	Credit card surcharge						X	X	X	X	X	X
214	r5.41B(5)(c)	PayPal surcharge						X	X	X	X	X	X
215	r5.41B(5)(d)	PayPal surcharge						X	X	X	X	X	X
216	cl 070.511(c)	Subclass 070 - Bridging (Removal Pending)										X	X
217	cl 600.224	Subclass 600 - Visitor: Power to require applicant to be sponsored and power to approve sponsorship			X	X	X	X	X	X	X	X	X
218	cl 600.234	Subclass 600 - Visitor				X	X	X	X	X	X	X	X

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
219	cl 676.221	Subclass 676 - Tourist				X	X	X	X	X	X	X	X
220	cl 785.222	Subclass 785 - Temporary Protection									X	X	X
221	Visa Condition 8401	Visa Conditions			X	X	X	X	X	X	X	X	X
222	Visa Condition 8508	Visa Conditions			X	X	X	X	X	X	X	X	X
223	Visa Condition 8510	Vis Conditions			X	X	X	X	X	X	X	X	X
224	Visa Condition 8511	Visa Conditions			X	X	X	X	X	X	X	X	X
225	Visa Condition 8512	Visa Conditions			X	X	X	X	X	X	X	X	X
226	Visa Condition 8529	Undergo a Medical				X	X	X	X	X	X	X	X
227	Visa Condition 8550	Change in Personal Details				X	X	X	X	X	X	X	X

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
228.	Visa Condition 8552	Change in Employment Details				X	X	X	X	X	X	X	X
229.	Visa Condition 8559	Visa Conditions				X	X	X	X	X	X	X	X
230.	Visa Condition 8561	Must comply with direction to attend interview				X	X	X	X	X	X	X	X
231.	Visa Condition 8570	Visa Conditions				X	X	X	X	X	X	X	X
232.	Visa Condition 8580	Must provide evidence if requested				X	X	X	X	X	X	X	X
233.	Visa Condition 8581	Must comply with direction to attend interview if requested				X	X	X	X	X	X	X	X
234.	Schedule 13 subitems 8101(3) and (4)	Refund of nomination training contribution charge							X	X	X	X	X

Schedule 3 — Delegations under the Criminal Code Repeals

Item No.	COLUMN 1	COLUMN 2	COLUMN 3					Column 4
	PROVISION	SECTION HEADING/ Description (for information only)	EL1	EL2	SES1	SES2	SES3	WORK AREA
Criminal Code								
1.	s105A.19(1)	Continuing detention orders— Requesting information —Request information from prescribed persons relevant to the administration or execution of Division 105A—Continuing detention orders		X				Counter-Terrorism Strategic Policy Branch
					X	X	X	Counter-Terrorism Coordination Centre
2.	s105A.19(3)	Continuing detention orders— Disclosing information —Share information acquired under Division 105A with prescribed person		X				Counter-Terrorism Strategic Policy Branch
					X	X	X	Counter-Terrorism Coordination Centre

Schedule 4—Repeals

Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Minister) Instrument 2019 (LIN 19/033)

1 The whole of the instrument

Repeal the instrument

Minister – Delegations (Amendment) Instrument No. 4.2 of 2019 (LIN 19/159)

2 The whole of the instrument

Repeal the instrument