



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

I, PETER DUTTON, Minister for Home Affairs make the following instrument.

Dated 1st JULY 2019

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

The Hon Peter Dutton
Minister for Home Affairs

Contents

Part 1 – Preliminary	1
1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions.....	1
5 References to section or regulation.....	2
Part 2 – Delegations and Authorisations for Citizenship and Social Cohesion Group and Immigration and Settlement Services Group	3
6 Citizenship delegations.....	3
7 Migration delegations.....	3
8 Migration authorisations.....	4
9 TIA authorisations.....	4
10 Criminal Code delegations	4
Part 3 – Revocation	5
11 Revocation of instruments	5
Schedule 1 – Delegations and Authorisations under the Citizenship Act and Citizenship Regulations	6
Schedule 2 – Delegations and Authorisations under the Migration Act and Migration Regulations	9
Schedule 3 – Delegations under the Criminal Code	28

Part 1 – Preliminary

1 Name

- (1) This Instrument is the *Citizenship and Social Cohesion Group and Immigration and Settlement Services Group (Minister) Instrument 2019*.
- (2) It may be cited as LIN 19/033.

2 Commencement

This instrument commences on the later of 1 July 2019 or immediately 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 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) *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 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

6 Citizenship delegations

Under subsection 53(1) of the Citizenship Act, the powers and functions 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 delegations

- (1) Under subsection 496(1) of the Migration Act and under subregulation 1.16(1) of the Migration Regulations, the powers in the provision specified in an item in column 1 of 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 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.
- (2) Under section 143 of the Migration Act, the powers in the provision specified in an item in column 1 of 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 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.
- (3) Under subsection 496(1) of the Migration Act for the purposes of section 112(3) of the *Regulatory Powers (Standard Provisions) Act 2014*, the powers under section 140RA of the Migration Act in column 1 of the table in Schedule 2 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

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.

Immigration and Settlement Services 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 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 2, is authorised for the purposes of the provision specified in column 1 of the table for that item.
- (2) Under the definition of “clearance officer” in section 165 of the Migration Act, 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 “CO” in column 3 for an item of 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 the table for that item.

9 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 a person from time to time holding, occupying or performing the duties of a position at the classification level SES1, SES2, or SES3 in the Citizenship and Social Cohesion Group or the Immigration and Settlement Services Group.

10 Criminal Code delegations

Under section 105A.20 of the Criminal Code, the powers and functions 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 a position at the classification level identified by “X” in a row in column 3 in the work area in column 4 of that row of the table for that item.

Part 3 – Revocation

11 Revocation of instruments

Under subsection 33(3) of the Acts Interpretation Act, this instrument revokes the following:

- (a) *Minister – Delegations and Authorisations Instrument No. 4 of 2018 (Immigration and Citizenship Services Group) (MHA No. 4 of 2018)*, signed on 10 April 2010;
- (b) *Minister – Delegations Instrument (Commonwealth Counter-Terrorism Coordinator Group) 2019 (LIN 19/169)*, signed on 21 June 2019;
- (c) *Instrument of Delegation 2015 - DEL 15/011*, signed on 2 March 2015;
- (d) *Instrument of Delegation 2015 - DEL 15/048*, signed on 13 March 2013;
- (e) *Instrument of Delegation 2015 - DEL 15/069*, signed on 30 June 2015;
- (f) *Instrument of Delegation 2015 - DEL 15/108*, signed on 30 June 2018;
- (g) *Instrument of Delegation 2017 (DEL 17/073)*, signed on 9 November 2017.

Schedule 1 – Delegations and Authorisations under the Citizenship Act and Citizenship Regulation

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
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 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
24.	s46(2)	Application requirements: Approval of forms									X	X	X
25.	s47	Notification of decisions				X	X	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
26.	s48(1)	Computerised decision-making									X	X	X
27.	s48(3)	Computerised decision-making				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

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.	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.	<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
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
26.	s60	Medical examination	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
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.	s67	Grant and refusal of visa—how and when									X	X	X
33.	s72	Interpretation			X	X	X	X	X	X	X	X	X
34.	s73	Bridging visas	X	X	X	X	X	X	X	X	X	X	X
35.	s75(2)	When eligible non-citizen in immigration detention granted visa			X	X	X	X	X	X	X	X	X
36.	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
37.	s91	Order of dealing with visas			X	X	X	X	X	X	X	X	X
38.	s91W(2)	Evidence of identity and bogus documents						X	X	X	X	X	X
39.	s91WA	Providing bogus documents or destroying identity documents						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
40.	s93	Determination of applicant's score			X	X	X	X	X	X	X	X	X
41.	s94	Initial application of "points" system			X	X	X	X	X	X	X	X	X
42.	s95	Applications in pool			X	X	X	X	X	X	X	X	X
43.	s107	Notice of incorrect applications			X	X	X	X	X	X	X	X	X
44.	s108	Decision about non-compliance			X	X	X	X	X	X	X	X	X
45.	s109	Cancellation of visa if information incorrect			X	X	X	X	X	X	X	X	X
46.	s116	Power to cancel	X	X	X	X	X	X	X	X	X	X	X
47.	s119	Notice of proposed cancellation	X	X	X	X	X	X	X	X	X	X	X
48.	s120	Certain information must be given to visa holder	X	X	X	X	X	X	X	X	X	X	X
49.	s121	Invitation to give comments etc.	X	X	X	X	X	X	X	X	X	X	X
50.	s123	Failure to accept invitation not require action	X	X	X	X	X	X	X	X	X	X	X
51.	s124	When decision about visa cancellation may be made	X	X	X	X	X	X	X	X	X	X	X
52.	s127	Notification of decision	X	X	X	X	X	X	X	X	X	X	X
53.	s128	Cancellation of visas of people outside Australia	X	X	X	X	X	X	X	X	X	X	X
54.	s129	Notice of cancellation	X	X	X	X	X	X	X	X	X	X	X
55.	s131	Decision about revocation of cancellation	X	X	X	X	X	X	X	X	X	X	X
56.	s132	Notification of decision about revocation of cancellation	X	X	X	X	X	X	X	X	X	X	X
57.	s133(2)	Effect of revocation of cancellation	X	X	X	X	X	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
58.	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
59.	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
60.	s134B	Emergency cancellation on security grounds				X	X	X	X	X	X	X	X
61.	s134C	Decision about revocation of emergency cancellation			X	X	X	X	X	X	X	X	X
62.	s134D	Effect of revocation of cancellation			X	X	X	X	X	X	X	X	X
63.	s134E	Notice of cancellation			X	X	X	X	X	X	X	X	X
64.	s134F	Effect of cancellation on other visas			X	X	X	X	X	X	X	X	X
65.	s134	Cancellation of business visas			X	X	X	X	X	X	X	X	X
66.	s135	Representations concerning cancellation of business visa			X	X	X	X	X	X	X	X	X
67.	s137J	Non-complying students may have their visas automatically cancelled									X	X	X
68.	s137L	Dealing with the application – Minister's power to revoke a cancellation	X	X	X	X	X	X	X	X	X	X	X
69.	s137M	Notification of decision	X	X	X	X	X	X	X	X	X	X	X
70.	s137Q	Cancellation of regional sponsored employment visas			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
71.	s137R	Representations concerning cancellation etc			X	X	X	X	X	X	X	X	X
72.	s137S	Notice of cancellation			X	X	X	X	X	X	X	X	X
73.	s138	Cancellation and revocation of cancellation of visas - how and when	X	X	X	X	X	X	X	X	X	X	X
74.	s140(2)	Cancellation of visa results in other cancellation	X	X	X	X	X	X	X	X	X	X	X
75.	s140E	Minister to approve sponsor			X	X	X	X	X	X	X	X	X
76.	s140GA	Variation of terms of approval as a sponsor			X	X	X	X	X	X	X	X	X
77.	s140GB	Minister to approve nominations			X	X	X	X	X	X	X	X	X
78.	s140GBA(3)	Labour market testing—condition			X	X	X	X	X	X	X	X	X
79.	s140K	Sanctions for failing to satisfy sponsorship obligations			X	X	X	X	X	X	X	X	X
80.	S140L	Regulations may prescribe circumstances in which sponsor may be barred or sponsor's approval cancelled									X	X	X
81.	s140M	Cancelling approval as a sponsor or barring a sponsor								X	X	X	X
82.	s140O	Waiving a bar								X	X	X	X
83.	s140RA	Enforceable undertakings			X	X	X	X	X	X	X	X	X
84.	s140RB	<i>Saved provision-</i> Minister may apply for court order where a person has breached an									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
		undertaken given under s140RA											
85.	s140T	Notice regarding amount of debt or other amount						X	X	X	X	X	X
86.	s140V	Inspectors									X	X	X
87.	s140W	Identity cards							X	X	X	X	X
88.	s140ZH	Disclosure of personal information by Minister	X	X	X	X	X	X	X	X	X	X	X
89.	s140ZI	Disclosure of personal information to Minister	X	X	X	X	X	X	X	X	X	X	X
90.	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
91.	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
92.	s147(1)	Give a certificate that the stay of a non-citizen's removal or deportation is required for the administration of criminal justice									X	X	X
93.	s158	Criteria for criminal justice visas						X	X	X	X	X	X
94.	s159	Procedure for obtaining criminal justice visa						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
95.	s162(1)(a)	Cancel a criminal justice certificate issued under section 145 or 147.									X	X	X
96.	s164	Effect of cancellation etc. on criminal justice visa			X	X	X	X	X	X	X	X	X
97.	Division 5 of Part 2 (s165-s175B)	Immigration clearance				CO	CO	CO	CO	CO	CO	CO	CO
98.	s165	Authorisation to be clearance officer	CO	CO	CO	CO	CO	CO	CO	CO	CO	CO	CO
99.	s169(3)	Section 166 not usually to apply									X	X	X
100.	s191(1)	End of certain detention			CO	CO	CO	CO	CO	CO	CO	CO	CO
101.	s191(2)	End of certain detention			AO	AO	AO	AO	AO	AO	AO	AO	AO
102.	s200	Deportation of certain non-citizens					X	X	X	X	X	X	X
103.	s205	Dependants of deportee			X	X	X	X	X	X	X	X	X
104.	s206	Deportation order to be executed					X	X	X	X	X	X	X
105.	s220	Waiver of requirement			X	X	X	X	X	X	X	X	X
106.	s231	Master of vessel to comply with certain requests									X	X	X
107.	s231	Master of vessel to comply with certain requests	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
108.	s250	Detention of suspected offenders			AO	AO	AO	AO	AO	AO	AO	AO	AO
109.	s252	Searches of persons			AO	AO	AO	AO	AO	AO	AO	AO	AO
110.	s252AA	Power to conduct a screening procedure									AO	AO	AO
111.	s252A	Power to conduct a strip search									AO	AO	AO
112.	s253(8)&(9)	Detention of deportee			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
113.	s257A	Person may be required to provide personal identifiers	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
114.	s257A(1)	Person may be required to provide personal identifiers	X	X	X	X	X	X	X	X	X	X	X
115.	s258G	Authorised officer may get help to carry out identification tests	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
116.	s261AA	Immigration detainees must provide personal identifiers			AO	AO	AO	AO	AO	AO	AO	AO	AO
117.	s261AB	Authorised officers must require and carry out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
118.	s261AE	Use of force in carrying out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
119.	s261AG	Authorised officer may get help to carry out identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
120.	s261AJ	Recording of identification tests			AO	AO	AO	AO	AO	AO	AO	AO	AO
121.	s261AK	Retesting			AO	AO	AO	AO	AO	AO	AO	AO	AO
122.	s261AL	Minors	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
123.	s261AM	Incapable persons	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
124.	s261B	Seizure of things used in certain offences					AO	AO	AO	AO	AO	AO	AO
125.	s261F(1)(b)	Thing condemned if not claimed in time									X	X	X
126.	s261G(1)(b)	Dealing with claim for thing									X	X	X
127.	s269	Securities			AO	AO	AO	AO	AO	AO	AO	AO	AO
128.	s272	Migrant centres									X	X	X
129.	s292A	Applicant must not be registered if any barring period has not ended			X	X	X	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
130.	s305B	Providing disciplinary details to clients			X	X	X	X	X	X	X	X	X
131.	s306AC	Minister may refer registered migration agent to the Migration Agents Registration Authority					X	X	X	X	X	X	X
132.	s306AE	Registered migration agent may make submissions							X	X	X	X	X
133.	s306AF	Notice of referral decision under section 306AC					X	X	X	X	X	X	X
134.	s306AG	Migration Agents Registration Authority's decision after a referral under section 306AC			X	X	X	X	X	X	X	X	X
135.	s306AGAA	Minister may refer agent again if Migration Agents Registration Authority takes no disciplinary action								X	X	X	X
136.	s306AGAB	Notice of referral decision under section 306AG								X	X	X	X
137.	s311H	Minister may refer former registered migration agent for disciplinary action				X	X	X	X	X	X	X	X
138.	s311J	Former registered migration agent may make submissions				X	X	X	X	X	X	X	X
139.	s311K	Notice of referral decision				X	X	X	X	X	X	X	X
140.	s317	General powers of the Migration Agents Registration Authority			X	X	X	X	X	X	X	X	X
141.	s321A	Disclosure of personal information				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
		by the Migration Agents Registration Authority											
142.	s375	Restrictions on disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
143.	s375A	Certain information only to be disclosed to Tribunal			X	X	X	X	X	X	X	X	X
144.	s376	Tribunal's discretion in relation to disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
145.	s437	Restrictions on disclosure of certain information etc.				X	X	X	X	X	X	X	X
146.	s438	Tribunal's discretion in relation to disclosure of certain information etc.				X	X	X	X	X	X	X	X
147.	s473GB	Immigration Assessment Authority's discretion in relation to disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
148.	s486R	Civil penalty orders									X	X	X
149.	s488(2)	Tampering with movement records						AO	AO	AO	AO	AO	AO
150.	s488(4)	Tampering with movement records							AO	AO	AO	AO	AO
151.	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
152.	s494B	Methods by which Minister gives documents to a person	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
153.	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
154.	s494D	Authorised recipient			X	X	X	X	X	X	X	X	X
155.	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
156.	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
157.	s501(3A)	Mandatory cancellation				X	X	X	X	X	X	X	X
158.	s501C(3)	Notification of decision under s501(3) or s501A(3) and invitation to make representations				X	X	X	X	X	X	X	X
159.	s501CA(3)	Written notification of decision and invitation to make representations				X	X	X	X	X	X	X	X
160.	s501CA(4)	Decision to revoke the original decision							X	X	X	X	X
161.	s501G	Refusal of visa - notification of decision				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
162.	s501L	Disclosure of information to the Minister									X	X	X
163.	s503A	Protection of information supplied by law enforcement agencies of intelligence agencies	X	X	X	X	X	X	X	X	X	X	X
Migration Regulations 1994													
164.	r1.03	Definitions	X	X	X	X	X	X	X	X	X	X	X
165.	r1.04	Adoption			X	X	X	X	X	X	X	X	X
166.	r1.08	Compelling need to work	X	X	X	X	X	X	X	X	X	X	X
167.	r1.20	Sponsorship undertakings	X	X	X	X	X	X	X	X	X	X	X
168.	r1.20J	Limitation on approval of sponsorships - spouse, partner, prospective marriage and interdependency visas			X	X	X	X	X	X	X	X	X
169.	r1.20K	Limitation on sponsorships—remaining relative visas							X	X	X	X	X
170.	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
171.	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

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
172.	r1.20L	Limitation on approval of sponsorship—Subclass 600 (Visitor) visas			X	X	X	X	X	X	X	X	X
173.	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
174.	r2.03AA	Criteria applicable to character tests and security assessments			X	X	X	X	X	X	X	X	X
175.	r2.07AK(3)(g) & (h), (4)	Applications for Referred Stay (Permanent) (Class DH) visas						AO	AO	AO	AO	AO	AO
176.	r2.07AK(3)(g) & (h), (4)	Applications for Referred Stay (Permanent) (Class DH) visas									X	X	X
177.	r2.08A	Addition of certain applicants to certain applications for permanent visas			X	X	X	X	X	X	X	X	X
178.	r2.08B	Addition of certain dependent children to certain applications for temporary visas			X	X	X	X	X	X	X	X	X
179.	r2.11	Special provisions for certain visa applications that are refused			X	X	X	X	X	X	X	X	X
180.	r2.12F	Refund of first instalment of visa application charge						X	X	X	X	X	X
181.	r2.12F(1) & (2)	Amount of visa application charge – non-Internet application charge							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
182.	r2.12F(3) & (3A)	Amount of visa application charge – non-Internet application charge								X	X	X	X
183.	r2.12H	Refund of second instalment of visa application charge						X	X	X	X	X	X
184.	r2.13	Communication with Minister			X	X	X	X	X	X	X	X	X
185.	r2.14	Where written communication must be sent									X	X	X
186.	r2.15	Response to invitation to give additional information or comments—prescribed periods			X	X	X	X	X	X	X	X	X
187.	r2.16	Notification of decision on visa application			X	X	X	X	X	X	X	X	X
188.	r2.20	Eligible non-citizen (Act, s 72)			X	X	X	X	X	X	X	X	X
189.	r2.21A	Grant of Bridging A (Class WA) visas without application			X	X	X	X	X	X	X	X	X
190.	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
191.	r2.25	Grant of Bridging E (Class WE) visas without application			X	X	X	X	X	X	X	X	X
192.	r2.25A	Referral to Medical Officers of the Commonwealth			X	X	X	X	X	X	X	X	X
193.	r2.42	Notice of decision to cancel visa under s109			X	X	X	X	X	X	X	X	X
194.	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
195.	r2.55	Giving of documents relating to proposed cancellation, cancellation or revocation of cancellation			X	X	X	X	X	X	X	X	X
196.	r2.61(4)	Application for approval as a sponsor								X	X	X	X
197.	r2.62	Notice of decision			X	X	X	X	X	X	X	X	X
198.	r2.69	Notice of decision			X	X	X	X	X	X	X	X	X
199.	r2.73AA	Refund of nomination fee – subclass 457 visa and subclass 482 visa								X	X	X	X
200.	r2.74	Notice of decision			X	X	X	X	X	X	X	X	X
201.	r2.80	Obligation to pay travel costs to enable sponsored persons to leave Australia				X	X	X	X	X	X	X	X
202.	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
203.	r2.83	Obligation to provide records and information to the Minister				X	X	X	X	X	X	X	X
204.	r2.96	Notice of intention to take action				X	X	X	X	X	X	X	X
205.	r2.98	Notice of decision			X	X	X	X	X	X	X	X	X
206.	r2.102	Process to waive a bar									X	X	X
207.	r2.103	Disclosure of personal information by Minister									X	X	X
208.	r2.104	Circumstances in which the Minister may disclose personal information									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
209.	r2.106	Disclosure of personal information to Minister									X	X	X
210.	r3.10	Use of information			X	X	X	X	X	X	X	X	X
211.	r5.19	Approval of nominated positions (employer nomination)			X	X	X	X	X	X	X	X	X
212.	r5.19E(3)(f)	Complying entrepreneur activity			X	X	X	X	X	X	X	X	X
213.	r5.34F	Disclosure of information to police and Australian Crime Commission								X	X	X	X
214.	r5.41A(5)(c)	Credit card surcharge						X	X	X	X	X	X
215.	r5.41A(5)(d)	Credit card surcharge						X	X	X	X	X	X
216.	r5.41B(5)(c)	PayPal surcharge						X	X	X	X	X	X
217.	r5.41B(5)(d)	PayPal surcharge						X	X	X	X	X	X
218.	cl 070.511(c)	Subclass 070 - Bridging (Removal Pending)										X	X
219.	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
220.	cl 600.234	Subclass 600 - Visitor				X	X	X	X	X	X	X	X
221.	cl 676.221	Subclass 676 - Tourist				X	X	X	X	X	X	X	X
222.	cl 785.222	Subclass 785 - Temporary Protection									X	X	X
223.	Visa Condition 8401	Visa Conditions			X	X	X	X	X	X	X	X	X
224.	Visa Condition 8508	Visa Conditions			X	X	X	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
225.	Visa Condition 8510	Vis Conditions			X	X	X	X	X	X	X	X	X
226.	Visa Condition 8511	Visa Conditions			X	X	X	X	X	X	X	X	X
227.	Visa Condition 8512	Visa Conditions			X	X	X	X	X	X	X	X	X
228.	Visa Condition 8529	Undergo a Medical				X	X	X	X	X	X	X	X
229.	Visa Condition 8550	Change in Personal Details				X	X	X	X	X	X	X	X
230.	Visa Condition 8552	Change in Employment Details				X	X	X	X	X	X	X	X
231.	Visa Condition 8559	Visa Conditions				X	X	X	X	X	X	X	X
232.	Visa Condition 8561	Must comply with direction to attend interview				X	X	X	X	X	X	X	X
233.	Visa Condition 8570	Visa Conditions				X	X	X	X	X	X	X	X

Schedule 3 – Delegations under the Criminal Code

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 Coordinator 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 Coordinator Centre



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

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

Michael Pezzullo
Secretary of the Department of Home Affairs

Contents

Part 1 – Preliminary	1
1 Name	1
2 Commencement	1
3 Authority	1
4 Definitions	1
5 References to section or regulation	2
Part 2 – Delegations and Authorisations for Citizenship and Social Cohesion Group and Immigration and Settlement Services Group	3
6 Migration delegations	3
7 Migration authorisations	3
8 Migration appointments	3
9 Immigration (Education) delegations	3
10 Social Security Act delegation	3
11 A New Tax System (Family Assistance) Act delegation	4
12 Paid Parental Leave Act delegation	4
10 Revocation of instruments	5
Schedule 1 – Delegations and Authorisations under the Migration Act and Migration Regulations	6
Schedule 2 – Appointment of Detention Review Officer under the Migration Regulations	16
Schedule 3 – Delegations under the Immigration (Education) Act	17
Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave Act	18

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* (LIN 19/032) 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.	s5(1)(a)(ii) <i>immigration detention</i>	Interpretation – definition of "immigration detention"			X	X	X	X	X	X	X	X	X
2.	s137	Provision of information - holders of business visas							X	X	X	X	X
3.	s140W(4)(c)	Identity cards							X	X	X	X	X
4.	s140XD	Persons assisting inspectors							X	X	X	X	X
5.	s140XJ	Disclosure of information by the Secretary or Australian Border Force Commissioner							X	X	X	X	X
6.	s169(3)	Section 166 not usually to apply									X	X	X
7.	s213	Carriers may be liable for costs of removal and deportation			X	X	X	X	X	X	X	X	X
8.	s216	Use of existing ticket for removal or deportation		X	X	X	X	X	X	X	X	X	X
9.	s217	Vessels required to convey certain removees			X	X	X	X	X	X	X	X	X
10.	s218	Vessels required to convey deportees or other removees			X	X	X	X	X	X	X	X	X
11.	s222(2)	Orders restraining certain non-citizens from disposing etc. of property								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
12.	s223	Secretary or Australian Border Force Commissioner may give direction about valuables of detained non-citizens		X	X	X	X	X	X	X	X	X	X
13.	s224	Dealing with seized valuables			X	X	X	X	X	X	X	X	X
14.	s247	Vessels to enter ports and be brought to boarding stations	X	X	X	X	X	X	X	X	X	X	X
15.	s250	Detention of suspected offenders				AO	AO	AO	AO	AO	AO	AO	AO
16.	s251(4)	Powers of entry and search			X	X	X	X	X	X	X	X	X
17.	s252	Searches of persons					AO	AO	AO	AO	AO	AO	AO
18.	s252A	Power to conduct a strip search									AO	AO	AO
19.	s252AA	Power to conduct a screening procedure									AO	AO	AO
20.	s252C	Possession and retention of certain things obtained during a screening procedure or strip search									AO	AO	AO
21.	s252D	Authorised officer may apply for a thing to be retained for a further period									AO	AO	AO
22.	s252G	Powers concerning entry to a detention centre									AO	AO	AO
23.	s253(8) & (9)	Detention of deportee			X	X	X	X	X	X	X	X	X
24.	s254(2)	Removees and deportees held in other custody		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
25.	s259	Detention of vessel for purpose of search			X	X	X	X	X	X	X	X	X
26.	s260	Detention of vessel pending recovery of penalty			X	X	X	X	X	X	X	X	X
27.	s261	Disposal of dilapidated vessels etc	X	X	X	X	X	X	X	X	X	X	X
28.	s261B	Seizure of things used in certain offences						AO	AO	AO	AO	AO	AO
29.	s261E	Dealing with thing before it is condemned								X	X	X	X
30.	s261G(1)(c)	Dealing with claim for thing									X	X	X
31.	s261G(2)	Dealing with claim for thing									X	X	X
32.	s261H	Dealing with thing after it is condemned									X	X	X
33.	s263	Secretary or Australian Border Force Commissioner able to issue notice of debt			X	X	X	X	X	X	X	X	X
34.	s264	Garnishee notice			X	X	X	X	X	X	X	X	X
35.	s266	Future debts			X	X	X	X	X	X	X	X	X
36.	s267	Secretary or Australian Border Force Commissioner may freeze amounts to secure future debts			X	X	X	X	X	X	X	X	X
37.	s268BA(2)(a), (b) and (c)	Production notices			AO	AO	AO	AO	AO	AO	AO	AO	AO
38.	s268BA(2)	Production notices - notice by the Secretary or Australian Border Force Commissioner									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
39.	s268BC	Serving production notices			X	X	X	X	X	X	X	X	X
40.	s268BD	Secretary or Australian Border Force Commissioner to require attendance notice				X	X	X	X	X	X	X	X
41.	s268BD(2)	Attendance notices			AO	AO	AO	AO	AO	AO	AO	AO	AO
42.	s268BL	Copies of documents									AO	AO	AO
43.	s268BM	Officer may retain documents									AO	AO	AO
44.	s268BN	Owner of document must be given copy									X	X	X
45.	s268BO	Retaining documents									AO	AO	AO
46.	s268BP	Officer may apply to magistrate or tribunal member for a further period									AO	AO	AO
47.	s268CA	Authorised officer may enter premises for a visa monitoring purpose	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
48.	s268CB	Being on premises with consent	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
49.	s268CC	Consent				AO	AO	AO	AO	AO	AO	AO	AO
50.	s268CD	Authorised officer may apply for monitoring warrant			AO	AO	AO	AO	AO	AO	AO	AO	AO
51.	s268CF	Magistrate or tribunal member may require more information									AO	AO	AO
52.	s268CG	Contents of monitoring warrant									AO	AO	AO
53.	s268CH	Use of reasonable force and assistance	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
54.	s268CI	Monitoring powers of authorised officers	AO	AO	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
55.	s268CJ	Authorised officer on premises with consent may ask questions				AO	AO	AO	AO	AO	AO	AO	AO
56.	s268CK	Authorised officer on premises under warrant may ask questions									AO	AO	AO
57.	s268CZC	Officer may apply for warrants by telephone etc.	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
58.	s269	Securities			AO	AO	AO	AO	AO	AO	AO	AO	AO
59.	s274	Secretary or ABF Commissioner may issue documents containing information concerning certain persons	X	X	X	X	X	X	X	X	X	X	X
60.	s305B	Providing disciplinary details to clients			X	X	X	X	X	X	X	X	X
61.	s321A	Disclosure of personal information by the Migration Agents Registration Authority				AO	AO	AO	AO	AO	AO	AO	AO
62.	s332F	Disclosure of personal information by the Secretary					X	X	X	X	X	X	X
63.	s332G	Disclosure of personal information by a review authority									X	X	X
64.	s332G	Authorised officers re: disclosure of personal information by a review authority					AO	AO	AO	AO	AO	AO	AO
65.	s336D(1)	Authorising access to identifying information									X	X	X
66.	s336D(1)	Authorising access to identifying information	AO	AO	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
67.	s336F(1)	Authorising disclosure of identifying information to foreign countries etc.									X	X	X
68.	s336E(1)	Authorising disclosure of identifying information to foreign countries etc.	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
69.	s352	Tribunal to notify Secretary of application for review of Part 5 - reviewable decisions						X	X	X	X	X	X
70.	s358(2)	Documents to be given to the Tribunal									X	X	X
71.	s375	Restrictions on disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
72.	s375A(2)	Certain information only to be disclosed to Tribunal			X	X	X	X	X	X	X	X	X
73.	s376(2)	Tribunal's discretion in relation to disclosure of certain information etc.			X	X	X	X	X	X	X	X	X
74.	s418	Tribunal to notify Secretary of application for review of Part 7 - reviewable decisions			X	X	X	X	X	X	X	X	X
75.	s423(2)	Documents to be given to the Tribunal									X	X	X
76.	s427(1)	Powers of the Tribunal etc.								X	X	X	X
77.	s437	Restrictions on disclosure of certain information etc.				X	X	X	X	X	X	X	X
78.	s438(2)	Tribunal's discretion in relation to disclosure of certain information etc.					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
79.	s473CB	Material to be provided to Immigration Assessment Authority			X	X	X	X	X	X	X	X	X
80.	s473GB(2)	Immigration Assessment Authority's discretion in relation to disclosure of certain information etc.						X	X	X	X	X	X
81.	s486Y	Requirement for persons to assist in applications for civil penalty orders							X	X	X	X	X
82.	s487B(1)	Secretary or Australian Border Force Commissioner may require a person to give information or produce a document			X	X	X	X	X	X	X	X	X
83.	s487B(1)	Secretary or Australian Border Force Commissioner may require a person to give information or produce a document			AO	AO	AO	AO	AO	AO	AO	AO	AO
84.	s487D	Authorised officer may enter premises by consent or under a search warrant									AO	AO	AO
85.	s487E	Search powers of authorised officers									AO	AO	AO
86.	s487F	Powers relating to electronic equipment									AO	AO	AO
87.	s487G	Seizing evidence of the contravention of related provisions etc									AO	AO	AO
88.	s487J	Use of force in executing a search warrant									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
89.	s487K(1)&(2)	Authorised officer may ask questions and seek production of documents									AO	AO	AO
90.	s487Q(2),(3)&(5)	Completing execution of search warrant after temporary cessation									AO	AO	AO
91.	s487R	Completing execution of search warrant stopped by court order									AO	AO	AO
92.	s487S	Expert assistance to operate electronic equipment									AO	AO	AO
93.	s487Y	Return of seized things									X	X	X
94.	s487Z(1)&(2)	Issuing officer may permit a seized thing to be retained									X	X	X
95.	s487ZA	Disposal of seized things									X	X	X
96.	s487ZC(1)	Issue of search warrants									AO	AO	AO
97.	s487ZG(1)	Identity cards									X	X	X
98.	s487ZG(2)	Identity cards									AO	AO	AO
99.	s488A	Giving information to other relevant agencies			X	X	X	X	X	X	X	X	X
Migration Regulations 1994													
100.	r1.03	Definitions						X	X	X	X	X	X
101.	Saved Provision r1.03 definition of special program of seasonal work paragraph (a)	Approval of organisation							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
102.	Saved provision r1.03 definition of special program of seasonal work paragraph (b)	Approval as a special program of seasonal work							X	X			
103.	r2.06AAA(4)	Entry to Australia—Maritime Crew (Temporary) (Class ZM) visas									AO	AO	AO
104.	r1.07AC(2)	Applications for Temporary Safe Haven and Temporary (Humanitarian Concern) visas			AO	AO	AO	AO	AO	AO	AO	AO	AO
105.	r2.10B(2)	Notice of lodgement of application - person in immigration detention (Bridging F (Class WF) visa)									AO	AO	AO
106.	r3.30(1)(b)	Immigration detainees must provide personal identifiers									X	X	X
107.	r5.22	When can an infringement notice be served?							AO	AO	AO	AO	AO
108.	r5.23	What must an infringement notice contain?							AO	AO	AO	AO	AO
109.	r5.24	Can the time for payment be extended?							AO	AO	AO	AO	AO
110.	r5.26	Can an infringement notice be withdrawn?							AO	AO	AO	AO	AO
111.	r5.27	Refund of infringement notice penalty if notice withdrawn								AO	AO	AO	AO
112.	r5.28	Evidence							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
113.	Division 5.5 (5.21-15.31)	Infringement Notices							AO	AO	AO	AO	AO
114.	Subclass 050	Subclass 050 - Bridging (General)	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
115.	Subclass 988 Item (2)(c) & (d)	Subclass 988 - Condition re: when visa is in effect	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO	AO
116.	Subclass 988 Item (3)(c) & (d)	Subclass 988 - Maritime Crew			AO	AO	AO	AO	AO	AO	AO	AO	AO
117.	Visa Condition 8103	Visa holder must not receive salary in Australia without written permission of Secretary	X	X	X	X	X	X	X	X	X	X	X
118.	Visa Condition 8108	Visa holder must not be employed in Australia by 1 employer for more than 3 months without written permission of Secretary		X	X	X	X	X	X	X	X	X	X
119.	Visa Condition 8109	Visa holder must not change details of times and places of engagements specified in the application to be undertaken in Australia during the visa period, without written permission of Secretary		X	X	X	X	X	X	X	X	X	X
120.	Visa Condition 8547	Visa holder must not be employed by any 1 employer for more than 6 months, without the prior permission in writing of the Secretary.			X	X	X	X	X	X	X	X	X

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

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	Work Area	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
121.	2.10A(2)	Officers appointed to be a Detention Review Officer in the State or Territory in which an applicant is detained (Bridging E (Class WE) visa											
		Immigration and Settlement Services Group											APP
		Immigration Integrity and Community Protection Division										APP	
		Status Resolution Branch						APP	APP	APP	APP		

Schedule 3 – Delegations under the Immigration (Education) Act

Item No.	COLUMN 1	COLUMN 2	COLUMN 3										
	PROVISION	Work Area	APS1	APS2	APS3	APS4	APS5	APS6	EL1	EL2	SES1	SES2	SES3
122.	4C(5)	Ineligibility for English courses—time limits for registration or commencement for the following groups											
		Citizenship and Social Cohesion Group											X
		Citizenship and Multicultural Programs Division							X	X	X	X	
		Immigration and Settlement Services Group											X
123.	4D(5)	Refugee, Humanitarian and Settlement Division							X	X	X	X	
		Ineligibility for English courses—time limit on tuition											
		Citizenship and Social Cohesion Group											X
		Citizenship and Multicultural Programs Division							X	X	X	X	
		Immigration and Settlement Services Group											X
		Refugee, Humanitarian and Settlement Division							X	X	X	X	

Schedule 4 – Delegations under the Social Security Act, A New Tax System (Family Assistance) Act, and Paid Parental Leave 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
Social Security Act 1991													
1.	s38N(3)	Security notice from Home Affairs Minister—Seek the advice of the Human Services Secretary in relation to the likely effect of the operation of section 38M on a person's dependants, and inform the Home Affairs Minister of that advice.										X	X
A New Tax System (Family Assistance) Act 1999													
2.	s57GI(4)	Security notice from Home Affairs Minister—Seek the advice of the Human Services Secretary in relation to the likely effect of the operation of section 57GI on a person's dependants, and inform the Home Affairs Minister of that advice.										X	X
Paid Parental Leave Act 2010													
3.	s278C(5)	Security notice from Home Affairs Minister—Seek the advice of the Human Services Secretary in										X	X

LN 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
		relation to the likely effect of the operation of section 278B on a person's dependants, and inform the Home Affairs Minister of that advice.											