



ADMIN 21/051

Home Affairs Legislation (Minister—Decision-making powers for Immigration Group and National Security and Resilience Group) Delegation and Authorisation 2021

made under:

- *Australian Citizenship Act 2007*
- *Australian Citizenship Regulation 2016*
- *Criminal Code Act 1995*
- *Immigration (Education) Act 1971*
- *Migration Act 1958*
- *Migration Regulations 1994*
- *Regulatory Powers (Standard Provisions) Act 2014*
- *Telecommunications (Interception and Access) Act 1979*

Compilation no. 4

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This compilation was prepared by the Department of Home Affairs on 17 August 2023 taking into account amendments up to *Home Affairs Legislation (Minister—Department of Home Affairs) Delegation and Authorisation Amendment (No. 1) 2023* (ADMIN 23/100).

1 Name

This instrument is the *Home Affairs Legislation (Minister—Decision-making powers for Immigration Group and National Security and Resilience Group) Delegation and Authorisation 2021*.

3 Definitions

(1) In this instrument:

Citizenship Act means the *Australian Citizenship Act 2007*.

Citizenship Regulation means the *Australian Citizenship Regulation 2016*.

Clearance officer has the meaning given by the Migration Act.

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

Department means the Department of Home Affairs, not including the Australian Border Force.

Group Manager means a position in the Senior Executive Service in the Department designated by the title of Group Manager.

Immigration Group means the organisational unit of the Department known as the Immigration Group, as constituted by subordinate organisational units designated as part of that Group in the Department's organisational structure from time to time, including the Immigration Operations Group, but not including Legal Group.

Immigration (Education) Act means the *Immigration (Education) Act 1971*.

Legal Group means the organisational unit of the Department known as the Legal Group.

Migration Act means the *Migration Act 1958*.

Migration Regulations means the *Migration Regulations 1994*.

National Security and Resilience Group means the organisational unit of the Department known as the National Security and Resilience Group, as constituted by subordinate organisational units designated as part of that Group in the Department's organisational structure from time to time.

NSRG means the National Security and Resilience Group.

Organisational unit means a Group, Centre, Taskforce, Division, Branch, Section or other work unit specified or otherwise provided for in the organisational structure of the Department from time to time.

Officer has the meaning given by the Migration Act.

Position means a position in the Department.

Power includes a function, duty or obligation.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

SD means Senior Director.

Senior Director means a position designated by the title of Senior Director in the Department at the Executive Level 2 classification.

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

(2) In this instrument, a term mentioned in an item of the following table refers to the approved classification under the *Public Service Classification Rules 2000* mentioned in the item.

Item	Term	Approved classification
1	APS1	APS Level 1
2	APS2	APS Level 2
3	APS3	APS Level 3
4	APS4	APS Level 4
5	APS5	APS Level 5
6	APS6	APS Level 6
7	EL1	Executive Level 1
8	EL2	Executive Level 2
9	SES1	Senior Executive Band 1
10	SES2	Senior Executive Band 2
11	SES3	Senior Executive Band 3

- (3) Each mention of Executive Level 2 or EL2 in this instrument (including in the Schedules to this instrument) is taken also to include Senior Director.
- (4) Where the term Senior Director or SD appears in a Schedule to this instrument, this term does not include positions at the Executive Level 2 classification that are not expressly identified by the title Senior Director.

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

7 Migration delegations

- (1) Under subsections 143(1) and 496(1) of the Migration Act, my powers under that Act are delegated as outlined in item 1 of Schedule 3.
- (2) Under subregulation 1.16(1) of the Migration Regulations, my powers under those Regulations are delegated as outlined in item 2 of Schedule 3.

8 Migration authorisations

- (1) For the definition of **authorised officer** in subsection 5(1) of the Migration Act, a person from time to time holding, occupying or performing the duties of a position in the Immigration Group and National Security and Resilience Group listed in item 3 of Schedule 3 to this instrument is an authorised officer for the purpose of the provision described in that item.
- (2) For the definition of **authorised officer** in regulation 1.03 of the Migration Regulations, a person from time to time holding, occupying or performing the duties of a position in the Immigration Group and National Security and Resilience Group listed in item 4 of Schedule 3 to this instrument is an authorised officer for the purpose of the provision described in that item.

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

Schedule 3 Migration delegations and authorisations

(sections 7 and 8)

1 Migration Act delegations

A provision of the Migration Act mentioned in an item in the following table is delegated to a person from time to time holding, occupying or performing the duties of a position in the Immigration Group and National Security and Resilience Group classified at the level, or levels, indicated in that item.

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

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

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

95

s 375A

APS3, APS4, APS5, APS6, EL1, EL2, SES1,
SES2, GM, SES3, Associate Secretary

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

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