



Migration (LIN 20/033: Access to Movement Records) Instrument 2020

I, Michael Shelton, Delegate of the Minister for Home Affairs, make the following instrument.

Dated 24 March 2020

Michael Shelton

Michael Shelton
Acting Senior Executive Service, Band One
Border Systems and Programme Management Branch
Strategic Border Command Division

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 20/033: Access to Movement Records) Instrument 2020*.
- (2) This instrument may be cited as LIN 20/033.

2 Commencement

This instrument commences **the day after it is registered** on the Federal Register of Legislation.

3 Authority

This instrument is made under regulation 3.10A of the Regulations.

4 Definitions

- (1) In this instrument:

Act means the *Migration Act 1958*.

authorised vetting agency means a Commonwealth, State or Territory agency that is authorised or approved by the Commonwealth to issue security clearances.

Regulations means the *Migration Regulations 1994*.

security vetting includes pre-employment screening in assessing the eligibility and suitability of personnel and ongoing assessment of personnel for the grant, maintenance and review of security clearances.

- (2) A term mentioned in Column 1 of the following table refers to an Australian Public Service (APS) employee classified under the *Public Service Classification Rules 2000* as an employee at the level mentioned in Column 2 for that item.

APS employee classifications		
Item	Column 1 Term	Column 2 Level
1	APS 1	APS Level 1
2	APS 2	APS Level 2
3	APS 3	APS Level 3
4	APS 4	APS Level 4
5	APS 5	APS Level 5
6	APS 6	APS Level 6
7	EL 1	Executive Level 1
8	EL 2	Executive Level 2

APS employee classifications		
Item	Column 1 Term	Column 2 Level
9	SES 1	Senior Executive Band 1
10	SES 2	Senior Executive Band 2

5 Schedules

- (1) Schedule 1 prescribes Commonwealth, State or Territory legislation for subparagraph 488(2)(a)(vii) of the Act in accordance with subregulation 3.10A(1) of the Regulations.
- (2) Schedule 2 prescribes agencies, employees and purposes for paragraph 488(2)(g) of the Act in accordance with subregulation 3.10A(2) of the Regulations.
- (3) Each instrument that is specified in Schedule 3 is repealed as set out in the applicable items in that Schedule.

Part 2—Access to movement records

6 Prescribed legislation

For the purposes of subregulation 3.10A(1) of the Regulations, the table in Schedule 1 prescribes Commonwealth, State or Territory legislation for subparagraph 488(2)(a)(vii) of the Act.

Note: Subparagraph 488(2)(a)(vii) of the Act permits the Minister to authorise an officer to perform one or more actions prohibited under subsection 488(1) of the Act for the purposes of prescribed Commonwealth, State or Territory legislation.

7 Prescribed agencies, employees and purposes

For an item in the table in Schedule 2, the following is prescribed:

- (a) for the purposes of paragraph 3.10A(2)(a) of the Regulations, in column 1—an agency of the Commonwealth, a State or a Territory;
- (b) for the purposes of paragraph 3.10A(2)(b) of the Regulations, in column 2—an employee of the agency mentioned in paragraph (a);
- (c) for the purposes of paragraph 3.10A(2)(c) of the Regulations, in column 3—a purpose to obtain access to the movement records on behalf of the agency mentioned in paragraph (a).

Note: Paragraph 488(2)(g) of the Act permits the Minister to authorise a prescribed employee of a prescribed agency of the Commonwealth, or of a State or Territory, to perform one or more actions prohibited under subsection 488(1) for a prescribed purpose.

Schedule 1—Prescribed Commonwealth, State or Territory legislation

Note: See section 6.

Item	Column 2 Prescribed legislation
1	<i>Administrative Appeals Tribunal Act 1975 (Cth)</i>
2	<i>Adoption Act 2000 (NSW)</i>
3	<i>Adoption Regulations 2003 (NSW)</i>
4	<i>A New Tax System (Australian Business Number) Act 1999 (Cth)</i>
5	<i>A New Tax System (Family Assistance) Act 1999 (Cth)</i>
6	<i>A New Tax System (Family Assistance) (Administration) Act 1999 (Cth)</i>
7	<i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i>
8	<i>A New Tax System (Luxury Car Tax) Act 1999 (Cth)</i>
9	<i>A New Tax System (Wine Equalisation Tax) Act 1999 (Cth)</i>
10	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)</i>
11	<i>Archives Act 1983 (Cth)</i>
12	<i>AusCheck Act 2007 (Cth)</i>
13	<i>AusCheck Regulations 2007 (Cth)</i>
14	<i>Australian Border Force Act 2015 (Cth)</i>
15	<i>Australian Bureau of Statistics Act 1975 (Cth)</i>
16	<i>Australian Citizenship Act 2007 (Cth)</i>
17	<i>Australian Crime Commission Act 2002 (Cth)</i>
18	<i>Australian Federal Police Act 1979 (Cth)</i>
19	<i>Australian Human Rights Commission Act 1986 (Cth)</i>
20	<i>Australian Meat and Live-stock Industry Act 1997 (Cth)</i>
21	<i>Australian Passports Act 2005 (Cth)</i>
22	<i>Australian Securities and Investments Commission Act 2001 (Cth)</i>
23	<i>Australian Security Intelligence Organisation Act 1979 (Cth)</i>
24	<i>Australian Sports Anti-Doping Authority Act 2006 (Cth)</i>
25	<i>Australian Sports Anti-Doping Authority Regulations 2006 (Cth)</i>
26	<i>Aviation Transport Security Act 2004 (Cth)</i>
27	<i>Aviation Transport Security Regulations 2005 (Cth)</i>
28	<i>Bail Act 1977 (Vic)</i>
29	<i>Bail Act 1982 (WA)</i>
30	<i>Bankruptcy Act 1966 (Cth)</i>
31	<i>Bankruptcy Regulations 1996 (Cth)</i>
32	<i>Biosecurity Act 2015 (Cth)</i>
33	<i>Biosecurity Charges Imposition (Customs) Act 2015 (Cth)</i>
34	<i>Biosecurity Charges Imposition (Excise) Act 2015 (Cth)</i>

Item	Column 2 Prescribed legislation
35	<i>Biosecurity Charges Imposition (General) Act 2015 (Cth)</i>
36	<i>Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015 (Cth)</i>
37	<i>Building Boost Grant Act 2011 (Qld)</i>
38	<i>Building Services (Complaints Resolution and Administration) Act 2011 (WA)</i>
39	<i>Building Services Registration Act 2011 (WA)</i>
40	<i>Business Names Registration Act 2011 (Cth)</i>
41	<i>Business Names Registration (Transitional and Consequential Provisions) Act 2011 (Cth)</i>
42	<i>Care and Protection of Children Act 2007 (NT)</i>
43	<i>Census and Statistics Act 1905 (Cth)</i>
44	<i>Child and Young People (Safety) Act 2007 (SA)</i>
45	<i>Child Care Act 1972 (Cth)</i>
46	<i>Child Protection Act 1999 (Qld)</i>
47	<i>Children and Community Services Act 2004 (WA)</i>
48	<i>Children and Young People Act 2008 (ACT)</i>
49	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
50	<i>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</i>
51	<i>Children, Young Persons and Their Families Act (Tas)</i>
52	<i>Child Support (Assessment) Act 1989 (Cth)</i>
53	<i>Child Support (Registration and Collection) Act 1988 (Cth)</i>
54	<i>Child, Youth and Families Act 2005 (Vic)</i>
55	<i>Civil Aviation Act 1988 (Cth)</i>
56	<i>Civil Aviation Regulations 1988 (Cth)</i>
57	<i>Civil Aviation Safety Regulations 1988 (Cth)</i>
58	<i>Commonwealth Electoral Act 1918 (Cth)</i>
59	<i>Competition and Consumer Act 2010 (Cth)</i>
60	<i>Confiscation Act 1997 (Vic)</i>
61	<i>Confiscation of Criminal Assets Act 2003 (ACT)</i>
62	<i>Confiscation of Proceeds of Crime Act 1989 (NSW)</i>
63	<i>Coroners Act 1993 (NT)</i>
64	<i>Coroners Act 1995 (Tas)</i>
65	<i>Coroner's Act 1996 (WA)</i>
66	<i>Coroners Act 1997 (ACT)</i>
67	<i>Coroners Act 2003 (Qld)</i>
68	<i>Coroners Act 2003 (SA)</i>
69	<i>Coroners Act 2008 (Vic)</i>
70	<i>Coroners Act 2009 (NSW)</i>
71	<i>Corporations Act 2001 (Cth)</i>
72	<i>Corrections Act 1986 (Vic)</i>
73	<i>Crimes Act 1900 (ACT)</i>

Item	Column 2 Prescribed legislation
74	<i>Crimes Act 1900</i> (NSW)
75	<i>Crimes Act 1914</i> (Cth)
76	<i>Crimes Act 1958</i> (Vic)
77	<i>Crimes (Confiscation of Profits) Act 1986</i> (Vic)
78	<i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)
79	<i>Crimes (Sentencing Procedure) Act 1999</i> (NSW)
80	<i>Criminal Code Act 1899</i> (Qld)
81	<i>Criminal Code Act 1924</i> (Tas)
82	<i>Criminal Code Act 1983</i> (NT)
83	<i>Criminal Code Act 1995</i> (Cth)
84	<i>Criminal Code Act Compilation Act 1913</i> (WA)
85	<i>Criminal Investigations Act 2006</i> (WA)
86	<i>Criminal Law Consolidation Act 1935</i> (SA)
87	<i>Criminal Law (Sentencing) Act 1988</i> (SA)
88	<i>Criminal Property Confiscation Act 2000</i> (WA)
89	<i>Criminal Property Forfeiture Act 2002</i> (NT)
90	<i>Customs (Prohibited Exports) Regulations 1958</i> (Cth)
91	<i>Customs (Prohibited Imports) Regulations 1956</i> (Cth)
92	<i>Customs Regulations 2015</i> (Cth)
93	<i>Dental Benefits Act 2008</i> (Cth)
94	<i>Domestic and Family Violence Act 2007</i> (NT)
95	<i>Domestic and Family Violence Protection Act 2012</i> (Qld)
96	<i>Domestic Violence Act 1994</i> (SA)
97	<i>Drugs Misuse Act 1986</i> (Qld)
98	<i>Drugs Misuse and Trafficking Act 1985</i> (NSW)
99	<i>Drugs, Poisons and Controlled Substances Act 1981</i> (Vic)
100	<i>Duties Act 1997</i> (NSW)
101	<i>Duties Act 2000</i> (Vic)
102	<i>Duties Act 2001</i> (Tas)
103	<i>Duties Act 2008</i> (WA)
104	<i>Education Services for Overseas Students Act 2000</i> (Cth)
105	<i>Energy Grants (Cleaner Fuels) Scheme Act 2004</i> (Cth)
106	<i>Excise Tariff Act 1921</i> (Cth)
107	<i>Expiation of Offences Act 1996</i> (SA)
108	<i>Export Control Act 1982</i> (Cth)
109	<i>Extradition Act 1988</i> (Cth)
110	<i>Fair Trading Act 1987</i> (NSW)
111	<i>Fair Trading Act 2010</i> (WA)
112	<i>Fair Work Act 2009</i> (Cth)

Item	Column 2 Prescribed legislation
113	<i>Family Court Act 1997 (WA)</i>
114	<i>Family Law (Child Abduction Convention) Regulations 1986 (Cth)</i>
115	<i>Family Law (Child Protection Convention) Regulations 2003 (Cth)</i>
116	<i>Family Law Regulations 1984 (Cth)</i>
117	<i>Family Violence Act 2004 (Tas)</i>
118	<i>Family Violence Act 2016 (ACT)</i>
119	<i>Family Violence Protection Act 2008 (Vic)</i>
120	<i>Fines Act 1996 (NSW)</i>
121	<i>Firearms Act 1996 (Vic)</i>
122	<i>First Home and Housing Construction Grants Act 2000 (SA)</i>
123	<i>First Home Owner Grant Act 2000 (ACT)</i>
124	<i>First Home Owner Grant Act 2000 (NT)</i>
125	<i>First Home Owner Grant Act 2000 (Qld)</i>
126	<i>First Home Owner Grant Act 2000 (Tas)</i>
127	<i>First Home Owner Grant Act 2000 (Vic)</i>
128	<i>First Home Owner Grant Act 2000 (WA)</i>
129	<i>First Home Owner Grant (New Homes) Act 2000 (NSW)</i>
130	<i>First Home Saver Accounts Act 2008 (Cth)</i>
131	<i>Fringe Benefits Tax Assessment Act 1986 (Cth)</i>
132	<i>Fuel Tax Act 2006 (Cth)</i>
133	<i>Health Administration Act 1982 (NSW)</i>
134	<i>Health and Other Services (Compensation) Act 1995 (Cth)</i>
135	<i>Health Care Complaints Act 1993 (NSW)</i>
136	<i>Health Insurance Act 1973 (Cth)</i>
137	<i>Health Ombudsman Act 2013 (Qld)</i>
138	<i>Health Practitioner Regulation National Law Act 2009 (NSW)</i>
139	<i>Health Practitioner Regulation National Law Act 2009 (Qld)</i>
140	<i>Higher Education Support Act 2003 (Cth)</i>
141	<i>Human Services (Medicare) Act 1973 (Cth)</i>
142	<i>Illegal Logging Prohibition Act 2012 (Cth)</i>
143	<i>Immigration (Education) Act 1971 (Cth)</i>
144	<i>Immigration (Education) Charge Act 1992 (Cth)</i>
145	<i>Immigration (Guardianship of Children) Act 1946 (Cth)</i>
146	<i>Immigration (Guardianship of Children) Regulations 2001 (Cth)</i>
147	<i>Imported Food Control Act 1992 (Cth)</i>
148	<i>Income Tax Assessment Act 1936 (Cth)</i>
149	<i>Income Tax Assessment Act 1997 (Cth)</i>
150	<i>Information Act 2002 (NT)</i>
151	<i>Insurance Contracts Act 1984 (Cth)</i>

Item	Column 2 Prescribed legislation
152	<i>Intelligence Services Act 2001 (Cth)</i>
153	<i>International Criminal Court Act 2002 (Cth)</i>
154	<i>International Transfer of Prisoners Act 1997 (Cth)</i>
155	<i>International War Crimes Tribunal Act 1995 (Cth)</i>
156	<i>Land Tax Act 1956 (NSW)</i>
157	<i>Land Tax Act 2000 (Tas)</i>
158	<i>Land Tax Act 2005 (Vic)</i>
159	<i>Land Tax Act 2010 (Qld)</i>
160	<i>Land Tax Assessment Act 2002 (WA)</i>
161	<i>Land Tax Management Act 1956 (NSW)</i>
162	<i>Life Insurance Act 1995 (Cth)</i>
163	<i>Maritime Transport and Offshore Facilities Security Act 2003 (Cth)</i>
164	<i>Maritime Transport and Offshore Facilities Security Regulations 2003 (Cth)</i>
165	<i>Medical Indemnity Act 2002 (Cth)</i>
166	<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010 (Cth)</i>
167	<i>Migration Regulations 1994 (Cth)</i>
168	<i>Misuse of Drugs Act 1981 (WA)</i>
169	<i>Mutual Assistance in Criminal Matters Act 1987 (Cth)</i>
170	<i>National Consumer Credit Protection Act 2009 (Cth)</i>
171	<i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 (Cth)</i>
172	<i>National Disability Insurance Scheme Act 2013 (Cth)</i>
173	<i>National Health Act 1953 (Cth)</i>
174	<i>National Health Reform Act 2011 (Cth)</i>
175	<i>National Health Security Act 2007 (Cth)</i>
176	<i>Oaths Act 1900 (NSW)</i>
177	<i>Office of National Intelligence Act 2018 (Cth)</i>
178	<i>Ombudsman Act 1976 (Cth)</i>
179	<i>Paid Parental Leave Act 2010 (Cth)</i>
180	<i>Payroll Tax Act 2007 (NSW)</i>
181	<i>Payroll Tax Act 2008 (Tas)</i>
182	<i>Payroll Tax Assessment Act 2002 (WA)</i>
183	<i>Police Powers and Responsibilities Act 2000 (Qld)</i>
184	<i>Prisons Act 1981 (WA)</i>
185	<i>Proceeds of Crime Act 2002 (Cth)</i>
186	<i>Product Grants and Benefits Administration Act 2000 (Cth)</i>
187	<i>Public Health Act 2010 (NSW)</i>
188	<i>Regional Relocation (Home Buyers Grant) Act 2011 (NSW)</i>
189	<i>Regional Relocation (Home Buyers Grant) Amendment Act 2013 (NSW)</i>

Item	Column 2 Prescribed legislation
190	<i>Residential Tenancies Act 1987 (WA)</i>
191	<i>Residential Tenancies Act 2010 (NSW)</i>
192	<i>Restraining Orders Act 1997 (WA)</i>
193	<i>Retirement Savings Accounts Act 1997 (Cth)</i>
194	<i>Road Safety Act 1986 (Vic)</i>
195	<i>Road Transport Act 2013 (NSW)</i>
196	<i>Safety Rehabilitation and Compensation Act 1988 (Cth)</i>
197	<i>Sentence Administration Act 2003 (WA)</i>
198	<i>Sentencing Act 1995 (WA)</i>
199	<i>Small Superannuation Accounts Act 1995 (Cth)</i>
200	<i>Social Security Act 1991 (Cth)</i>
201	<i>Social Security (Administration) Act 1999 (Cth)</i>
202	<i>Social Security (International Agreements) Act 1999 (Cth)</i>
203	<i>Student Assistance Act 1973 (Cth)</i>
204	<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997 (Cth)</i>
205	<i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997 (Cth)</i>
206	<i>Superannuation (Departing Australia Superannuation Payments Tax) Act 2007 (Cth)</i>
207	<i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003 (Cth)</i>
208	<i>Superannuation Guarantee (Administration) Act 1992 (Cth)</i>
209	<i>Superannuation Industry (Supervision) Act 1993 (Cth)</i>
210	<i>Superannuation Industry (Supervision) Regulations 1994 (Cth)</i>
211	<i>Superannuation (Resolution of Complaints) Act 1993 (Cth)</i>
212	<i>Superannuation (Unclaimed Money and Lost Members) Act 1999 (Cth)</i>
213	<i>Tax Agent Services Act 2009 (Cth)</i>
214	<i>Taxation Administration Act 1953 (Cth)</i>
215	<i>Taxation Administration Act 1996 (NSW)</i>
216	<i>Taxation Administration Act 1996 (SA)</i>
217	<i>Taxation Administration Act 1997 (Tas)</i>
218	<i>Taxation Administration Act 1997 (Vic)</i>
219	<i>Taxation Administration Act 1999 (ACT)</i>
220	<i>Taxation Administration Act 2001 (Qld)</i>
221	<i>Taxation Administration Act 2003 (WA)</i>
222	<i>Taxation Administration Act 2007 (NT)</i>
223	<i>Terrorism (Community Protection) Act 2003 (Vic)</i>
224	<i>Terrorism (High Risk Offenders) Act 2017 (NSW)</i>
225	<i>Trade Support Loans Act 2014 (Cth)</i>
226	<i>Veterans' Entitlements Act 1986 (Cth)</i>
227	<i>Water Efficiency Labelling and Standards Act 2005 (Cth)</i>

Item	Column 2 Prescribed legislation
228	<i>Weapons Act 1990 (Qld)</i>
229	<i>Weapons Act 1999 (WA)</i>
230	<i>Witness Protection Act 1994 (Cth)</i>

Schedule 2—Prescribed agencies, employees and purposes

Note 1: See section 7.

Note 2: For each of the items in the following table, an employee prescribed in column 2 of an agency prescribed in column 1 can access the movement records for the purpose prescribed in column 3 on behalf of the agency corresponding to that item.

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
1	Administrative Appeals Tribunal (AAT)	APS 3 and above with responsibility to perform statutory duties and associated functions on behalf of the AAT	To perform statutory duties and associated functions under the following: (a) <i>Administrative Appeals Tribunal Act 1973</i> (Cth); (b) <i>Migration Act 1958</i> (Cth)
2	Attorney-General's Department of South Australia, Fines Enforcement and Recovery Unit	(a) Fines Enforcement and Recovery Officer; (b) Director, Business Transformation; (c) Manager, Client Contact; (d) Manager, Stakeholder Engagement; (e) Debt Strategist; (f) Team Leader; (g) Senior Collections Officer; (h) Collections Officer	To perform statutory duties and associated functions under the following: (a) <i>Criminal Law (Sentencing) Act 1988</i> (SA); (b) <i>Expiation of Offences Act 1996</i> (SA)
3	Australian Bureau of Statistics	APS 6 to EL 2, with responsibility for the collection, compilation, analysis and dissemination of migration statistics	To collect statistical information relating to social, economic and demographic characteristics under the following: (a) <i>Australian Bureau of Statistics Act 1975</i> (Cth); (b) <i>Census and Statistics Act 1905</i> (Cth)

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
4	Australian Criminal Intelligence Commission (ACIC)	Employee of the following: (a) Operational Intelligence Branch; (b) Information Branch; (c) Joint Analyst Groups	To perform statutory duties and associated functions under the following: (a) <i>Australian Crime Commission Act 2002</i> (Cth); (b) <i>Criminal Code Act 1995</i> (Cth)
5	Australian Electoral Commission (AEC)	(a) Assistant Commissioner, Elections Branch; (b) Director, Elections Branch; (c) Assistant Director, Elections Branch; (d) Senior Project Officer, Elections Branch	To perform statutory duties and functions under the <i>Commonwealth Electoral Act 1918</i> (Cth), in relation to the review and processing of electors who appear to have failed to vote at an election under that Act
6	Australian Federal Police (AFP)	(a) AFP employee (as defined in the <i>Australian Federal Police Act 1979</i> (Cth) (the AFP Act)) or AFP appointee who is engaged under section 69A of the AFP Act, who in the course of their employment perform statutory duties and associated functions under the AFP Act on behalf of the AFP; (b) AFP member, AFP employee (as defined in the AFP Act) or AFP appointee who is engaged under section 69A of the AFP Act, who in the course of their employment is engaged to assist in the conduct of security vetting for Commonwealth, State and Territory agencies	To: (a) perform statutory duties and associated functions under the AFP Act; (b) assist authorised vetting agencies (including the AFP) to conduct security vetting
7	Australian Government Attorney-General's Department (AGD)	(a) Assistant Secretary, Transitional Crime and Corruption Branch; (b) Officer of the International Transfer of Prisoners Unit; (c) Officer of the Internal Crime Cooperation Central Authority; (d) Assistant Secretary, Family Law Branch;	To: (1) consider enquiries in connection with: (a) applications by prisoners for international transfer, or applications for international transfer, in accordance with the <i>International Transfer of Prisoners Act 1997</i> ; (b) extradition or extradition requests from Australia

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		(e) Director, EL 2, International Family Law Section; (f) Principal Legal Officer, International Family Law Section; (g) Assistant Director, EL 1, International Family Law Section; (h) Senior Legal Officer, International Family Law Section; (i) Legal Officer, International Family Law Section; (j) Case Officer, International Family Law Section; (k) Graduate, International Family Law Section	to another country or from another country to Australia; (c) mutual assistance, or mutual assistance requests; (d) cooperation, or requests for cooperation, under the following legislation: (i) <i>Criminal Code Act 1995</i> (Cth); (ii) <i>Extradition Act 1988</i> (Cth); (iii) <i>Family Law Act 1975</i> (Cth); (iv) <i>Family Law Regulations 1984</i> (Cth); (v) <i>International Criminal Court Act 2002</i> (Cth); (vi) <i>International War Crimes Tribunal Act 1995</i> (Cth); (vii) <i>Mutual Assistance in Criminal Matters Act 1987</i> (Cth); (2) undertake work relating to child protection measures, international child abduction matters and international maintenance matters, under a range of international instruments and agreements, in accordance with the following: (i) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth); (ii) <i>Family Law (Child Protection Convention) Regulations 2003</i> (Cth); (3) perform duties and functions under bilateral agreements between the Government of Australia and the Government of the Republic of Lebanon, and the Government of the Arab Republic of Egypt, regarding cooperation on protecting the welfare of children

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
8	Australian Government Security Vetting Agency (AGSVA)	Employee of AGSVA with responsibility to assist authorised vetting agencies (including AGSVA) to conduct security vetting	To assist authorised vetting agencies (including AGSVA) to conduct security vetting
9	Australian Secret Intelligence Service (ASIS)	Employee of ASIS with responsibility to assist authorised vetting agencies (including ASIS) to conduct security vetting	To assist authorised vetting agencies (including ASIS) to conduct security vetting
10	Australian Securities and Investments Commission (ASIC)	Employee of the Intelligence Support Unit	<p>To perform statutory duties and associated functions under the following:</p> <ul style="list-style-type: none"> (a) <i>Australian Securities and Investments Commission Act 2001</i> (Cth); (b) <i>Banking Act 1959</i> (Cth); (c) <i>Business Names Registration (Transitional and Consequential Provisions) Act 2011</i> (Cth); (d) <i>Business Names Registration Act 2011</i> (Cth); (e) <i>Corporations Act 2001</i> (Cth); (f) <i>Crimes Act 1900</i> (ACT); (g) <i>Crimes Act 1914</i> (Cth); (h) <i>Crimes Act 1900</i> (NSW); (i) <i>Criminal Code Act 1983</i> (NT); (j) <i>Crimes Act 1958</i> (Vic); (k) <i>Criminal Code Act 1995</i> (Cth); (l) <i>Criminal Code Act 1899</i> (Qld); (m) <i>Criminal Code Act 1924</i> (Tas); (n) <i>Criminal Code Act Compilation Act 1913</i> (WA); (o) <i>Criminal Law Consolidation Act 1935</i> (SA); (p) <i>Financial Sector (Transfer and Restructure) Act 1999</i> (Cth);

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
			(q) <i>First Home Saver Accounts Act 2008</i> (Cth); (r) <i>Foreign Evidence Act 1994</i> (Cth); (s) <i>Insurance Contracts Act 1984</i> (Cth); (t) <i>Life Insurance Act 1995</i> (Cth); (u) <i>Medical Indemnity (Prudential Supervision and Product Standards) Act 2003</i> (Cth); (v) <i>Mutual Assistance in Business Regulation Act 1992</i> (Cth); (w) <i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> (Cth); (x) <i>National Consumer Credit Protection Act 2009</i> (Cth); (y) <i>Proceeds of Crime Act 2002</i> (Cth); (z) <i>Retirement Savings Accounts Act 1997</i> (Cth); (za) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth); (zb) <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)
11	Australian Security Intelligence Organisation (ASIO)	ASIO employee, as defined in the <i>Australian Security Intelligence Organisation Act 1979</i> (Cth) (ASIO Act) with responsibility to: (a) perform statutory duties and associated functions on behalf of ASIO; (b) assist authorised vetting agencies (including ASIO) to conduct security vetting for Commonwealth, State and Territory agencies	To: (a) perform statutory duties and associated functions under the ASIO Act; (b) assist authorised vetting agencies (including ASIO) to conduct security vetting

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
12	Australian Signals Directorate (ASD)	Employee of the ASD with responsibility to perform statutory duties and associated functions on behalf of the ASD	To perform statutory duties and associated functions under the <i>Intelligence Services Act 2001</i> (Cth)
13	Australian Taxation Office (ATO)	Employee of the following: (a) Client Engagement Group; (b) Service Delivery Group; (c) Review and Dispute Resolution Business Line; (d) Fraud Prevention and International Investigations Business Line	To perform statutory duties and associated functions under the following: (a) <i>A New Tax System (Australian Business Number) Act 1999</i> (Cth); (b) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth); (c) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth); (d) <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth); (e) <i>A New Tax System (Luxury Car Tax) Act 1999</i> (Cth); (f) <i>A New Tax System (Wine Equalisation Tax) Act 1999</i> (Cth); (g) <i>Freedom of Information Act 1982</i> (Cth); (h) <i>Fringe Benefits Tax Assessment Act 1986</i> (Cth); (i) <i>Higher Education Support Act 2003</i> (Cth); (j) <i>Income Tax Assessment Act 1936</i> (Cth); (k) <i>Income Tax Assessment Act 1997</i> (Cth); (l) <i>Privacy Act 1988</i> (Cth); (m) <i>Public Governance, Performance and Accountability Act 2013</i> (Cth); (n) <i>Public Service Act 1999</i> (Cth); (o) <i>Retirement Savings Accounts Act 1997</i> (Cth);

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
			<p>(p) <i>Social Security Act 1991</i> (Cth);</p> <p>(q) <i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i> (Cth);</p> <p>(r) <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> (Cth);</p> <p>(s) <i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i> (Cth);</p> <p>(t) <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth);</p> <p>(u) <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>(v) <i>Taxation (Interest on Overpayments and Early Payments) Act 1983</i> (Cth);</p> <p>(w) <i>Taxation Administration Act 1953</i> (Cth);</p> <p>(x) <i>Trade Support Loans Act 2014</i> (Cth)</p>
14	Clean Energy Regulator (CER)	<p>(a) APS 4 to EL 2 in the Intelligence and Analytics Section;</p> <p>(b) APS 5 to EL 2 in the Investigations Section;</p> <p>(c) APS 5 to EL 2 in the SRES Compliance Section, Assurance and Information Branch;</p> <p>(d) SES 1 in the Regulatory Obligation and Coordination Branch;</p> <p>(e) SES 2 in the Regulatory Obligation and Coordination Branch;</p> <p>(f) SES 1 in the Participation and Compliance Branch;</p> <p>(g) SES 2 in the Scheme Entry and Entitlement</p>	<p>To perform statutory duties and associated functions under the following:</p> <p>(a) <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth);</p> <p>(b) <i>Clean Energy Legislation (Carbon Tax Repeal) Act 2014</i> (Cth);</p> <p>(c) <i>Clean Energy Regulator Act 2011</i> (Cth);</p> <p>(d) <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth);</p> <p>(e) <i>Renewable Energy (Electricity) Act 2000</i> (Cth)</p>

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
15	Department of Agriculture, Water and the Environment	Division (a) APS 4 to EL 1 of the Enforcement Integrity section; (b) APS 4 to EL 1 of the Governance and Operations Support	To perform statutory duties and associated functions under the following: (a) <i>Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015</i> (Cth); (b) <i>Biosecurity Act 2015</i> (Cth); (c) <i>Criminal Code Act 1995</i> (Cth); (d) <i>Export Control Act 1982</i> (Cth); (e) <i>Illegal Logging Prohibition Act 2012</i> (Cth); (f) <i>Imported Food Control Act 1992</i> (Cth); (g) <i>Regulatory Powers (Standard Provisions) Act 2014</i> (Cth); (h) <i>Water Efficiency Labelling and Standards Act 2005</i> (Cth); (i) <i>Australian Meat and Live-stock Industry Act 1997</i> (Cth)
16	Department of Education, Skills and Employment	(a) Authorised member of the Compliance Intelligence and Analytics Section; (b) Authorised person appointed under subsection 219UD (1) of the <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth); (c) Employee in the Education, Child Care Fraud Investigations Team	To: (a) perform statutory duties and associated functions under the following: (i) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth); (ii) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth); (iii) <i>Crimes Act 1914</i> (Cth); (iv) <i>Criminal Code Act 1995</i> (Cth); (vi) <i>Evidence Act 1995</i> (Cth); (vii) <i>Immigration (Education) Act 1971</i> (Cth); (b) assist criminal investigations of matters relating to

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
			fraud within the Family Assistance sector, conspiracies to defraud the Commonwealth and unlawfully dealing in the proceeds of crime
17	Department of Foreign Affairs and Trade (DFAT)	(a) Consular Officer, Canberra; (b) Consular Officer, Passports, London; (c) Consular Officer, Passports, Washington; (d) Director, Passports/Consular, Washington; (e) Eligibility Officer, Passports, Adelaide; (f) Eligibility Officer, Passports, Brisbane; (g) Eligibility Officer, Passports, Canberra; (h) Eligibility Officer, Passports, Darwin; (i) Eligibility Officer, Passports, London; (j) Eligibility Officer, Passports, Melbourne; (k) Eligibility Officer, Passports, Perth; (l) Eligibility Officer, Passports, Sydney; (m) Eligibility Officer, Passports, Hobart; (n) Fraud Officer, Passports, Brisbane; (o) Fraud Officer, Passports, Canberra; (p) Fraud Officer, Passports, Melbourne; (q) Fraud Officer, Passports, Perth; (r) Fraud Officer, Passports, Sydney; (s) Manager, Passports, Adelaide; (t) Manager, Passports, Brisbane; (u) Manager, Passports, Canberra; (v) Manager, Passports, Darwin;	To: (a) perform statutory duties and associated functions under the following: (i) <i>Australian Passports Act 2005 (Cth)</i> ; (ii) <i>Foreign Passports (Law Enforcement and Security) Act 2005 (Cth)</i> ; (b) assist authorised vetting agencies (including DFAT) to conduct security vetting

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		(w) Manager, Passports, Hobart; (x) Manager, Passports, London; (y) Manager, Passports, Melbourne; (z) Manager, Passports, Perth; (za) Manager, Passports, Sydney; (zb) Manager, Passports, Washington; (zc) Officer, Consular Emergency Centre (CEC), Canberra; (zd) Officer, Passport Policy and Operations Section (PPOS), Canberra; (ze) Policy Officer, Passports, Canberra; (zf) Protocol Officer, Canberra; (zg) Regional Director, Passports, Brisbane; (zh) Regional Director, Passports, Canberra; (zi) Regional Director, Passports, Melbourne; (zj) Regional Director, Passports, Sydney; (zk) employee engaged in conducting security vetting for Commonwealth, State and Territory agencies	

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
18	Department of Health	(a) APS 4 to EL 2 in Provider Benefits Audits; (b) APS 4 to EL 2 in Provider Benefits Investigations; (c) APS 4 to EL 2 in Provider Benefits Preliminary Analysis; (d) APS 4 to EL 2 in the Provider Benefits Integrity Division; (e) officer of the Health Emergency Management Branch at APS Level 4 to EL 2 in the Office of Health Protection Division; (f) officer undertaking functions within the National Health Incident Room in the Health Emergency Management Branch of the Office of Health Protection Division	To: (a) perform statutory duties and associated functions, including to ensure the protection of public revenue and the integrity of payments made under the following: (i) <i>Health Insurance Act 1973</i> (Cth); (ii) <i>National Health Act 1953</i> (Cth); (b) identify individuals at risk of exposure to public health hazards; (c) supply contact information to the relevant health department of a State or Territory under the <i>National Health Security Act 2007</i> (Cth)
19	Department of Home Affairs	Employee who, in the course of their employment: (a) liaise with Asia Pacific Economic Cooperation (APEC); (b) manage integrated management reporting; (c) conduct border related activities; (d) assist police with missing persons investigations; (e) assist DFAT in the provision of movement records for consular functions or activities during international event situations; (f) is engaged in conducting security vetting for Commonwealth, State and Territory agencies	To: (a) assess an individual's eligibility for the APEC travel card; (b) manage integrated management reporting; (c) perform border-related functions; (d) assist the AFP and State and Territory police forces, with missing persons investigations; (e) assist with consular enquiries and activities;(f) assist authorised vetting agencies (including the Department of Home Affairs) to conduct security vetting
20	Services Australia	(a) APS 4 and above, with responsibility for verifying immigration status and movement information in relation to social security and family assistance benefit reviews;	To: (a) verify immigration status and residence status for determination of eligibility and entitlements for social security and family assistance benefits;

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		<p>(b) APS 4 and above, with responsibility for customer service recovery action, in relation to social security and family assistance benefits;</p> <p>(c) APS 4 and above, with responsibility for policy and procedural support for staff processing social security and family assistance claims and entitlement reviews;</p> <p>(d) APS 4 and above, with responsibility for identification, investigation and prevention of incorrect payments and fraud;</p> <p>(e) APS 3 and above, with responsibility for identification, investigation and prevention of incorrect payments;</p> <p>(f) APS 2 and above, with responsibility for verifying movements and residence information for the purpose of eligibility and ongoing entitlement for social security and family assistance benefits;</p> <p>(g) APS 2 and above, with responsibility for verifying movements and residence information for the purpose of eligibility and ongoing entitlement under reciprocal international social security agreements;</p> <p>(h) APS 4 and above, with responsibility for customer service recovery action in relation to child support benefits;</p> <p>(i) APS 3 and above with responsibility for identification, investigation and enforcement of child support liabilities; or</p> <p>(j) APS 4 and above with responsibility for identification and investigation of incorrect</p>	<p>(b) identify and prevent overpayments, and to ensure accuracy of claimant data;</p> <p>(c) give effect to Australia's international obligations in relation to reciprocal social security agreements;</p> <p>(d) verify immigration status and residence status to determine eligibility assessments for child support;</p> <p>(e) give effect to Australia's international obligations in relation to reciprocal enforcement of child support;</p> <p>(f) enforce child support liabilities;</p> <p>(g) identify and prevent incorrect payments under the medicare program including the Medicare Benefits Schedule, Child Dental Benefits Schedule, Pharmaceutical Benefits Scheme and Continence Aids Payment Scheme;</p> <p>(h) ensure accuracy of claimant data for the medicare program and the Pharmaceutical Benefits Scheme;</p> <p>(i) support the investigation of offences against programs administered by the Medicare Program, as defined in the <i>Human Services (Medicare) Act 1973</i> (Cth), under the following Acts:</p> <p>(i) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth);</p> <p>(ii) <i>Australian Hearing Services Act 1991</i> (Cth);</p> <p>(iii) <i>Child Support (Assessment) Act 1989</i> (Cth);</p> <p>(iv) <i>Child Support (Registration and Collection) Act 1988</i> (Cth);</p> <p>(v) <i>Continence Aids Payment Scheme 2010</i> (Cth)</p> <p>(vi) <i>Dental Benefits Act 2008</i> (Cth);</p> <p>(vii) <i>Disability Services Act 1986</i> (Cth);</p> <p>(viii) <i>Health and Other Services (Compensation)</i></p>

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		<p>payments and investigation of offences against Medicare programs; or</p> <p>(k) at APS 4 and above with responsibility for customer service recovery action in relation to Medicare benefits</p>	<p><i>Act 1995 (Cth);</i></p> <p>(iv) <i>Health Insurance Act 1973 (Cth);</i></p> <p>(x) <i>National Health Act 1953 (Cth);</i></p> <p>(xi) <i>Paid Parental Leave Act 2010 (Cth);</i></p> <p>(xii) <i>Social Security (Administration) Act 1999 (Cth);</i></p> <p>(xiii) <i>Student Assistance Act 1973 (Cth)</i></p> <p>(xiv) <i>A New Tax System (Family Assistance) Act 1999 (Cth)</i></p> <p>(xv) <i>Social Security Act 1991 (Cth)</i></p> <p>(xvi) <i>Social Security (International Agreements) Act 1999 (Cth)</i></p> <p>(xvii) <i>Farm Household Support Act 2014 (Cth)</i></p>
21	Department of Justice, Western Australia	Employee of the Information Release and Litigation Management area in the Knowledge Management Branch of the Corporate Services Division	<p>To perform statutory duties and associated functions under the following:</p> <p>(a) <i>Prisons Act 1981 (WA);</i></p> <p>(b) <i>Sentencing Act 1995 (WA);</i></p> <p>(c) <i>Sentence Administration Act 2003 (WA);</i></p> <p>(d) <i>Young Offenders Act 1994 (WA);</i></p> <p>(e) <i>Bail Act 1982 (WA)</i></p>
22	Fair Work Ombudsman (FWO)	Employee of the FWO and Fair Work Inspectors appointed under section 700 of the <i>Fair Work Act 2009</i>	To perform statutory duties and associated functions under the <i>Fair Work Act 2009 (Cth)</i>
23	National Disability Insurance Agency (NDIA)	APS 4 to EL 2 in the Compliance and Fraud Branch	<p>To:</p> <p>(a) ensure the integrity of the <i>National Disability Insurance Scheme Act 2013 (Cth);</i></p> <p>(b) protect public revenue in the administration of the <i>National Disability Insurance Scheme Act 2013</i></p>

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose (Cth)
24	New South Wales Police Force (NSW Police Force)	Officer or employee who: (a) has responsibility to perform statutory duties and associated functions on behalf of the NSW Police Force; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 2009</i> (NSW); (ii) <i>Crimes (Sentencing Procedure) Act 1999</i> (NSW); (iii) <i>Crimes Act 1900</i> (NSW); (iv) <i>Crimes Act 1914</i> (Cth); (b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations
25	Northern Territory Police (NT Police Force)	Member who: (a) has responsibility to perform statutory duties and associated functions on behalf of the NT Police Force; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 1993</i> (NT); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Code Act 1983</i> (NT); (iv) <i>Police (Special Investigative and Other Powers) Act 2015</i> (NT); (v) <i>Police Administration Act 1978</i> (NT); (vi) <i>Summary Offences Act 1923</i> (NT); (b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
26	Office of National Intelligence (ONI)	Employee who has responsibility to: <ul style="list-style-type: none"> (a) perform statutory duties and associated functions on behalf of the ONI; (b) assist authorised vetting agencies (including ASIO) to conduct security vetting for Commonwealth, State and Territory agencies 	To: <ul style="list-style-type: none"> (a) perform statutory duties and associated functions under the <i>Office of National Intelligence Act 2018</i> (Cth); (b) assist authorised vetting agencies (including ONI) to conduct security vetting
27	Office of State Revenue, Queensland Treasury	<ul style="list-style-type: none"> (a) Administrative Officer Level 3 to Senior Officer Level 1 in the Land Tax Division; (b) Administrative Officer Level 4 to Senior Officer Level 1 in the Duties and Grants Division; (c) Administrative Officer Level 4 to Senior Officer Level 1 in the Royalties Division; (d) Administrative Officer Level 4 to Senior Officer Level 1 in the Risk Analytics and Finance Division; (e) Administrative Officer Level 4 to Senior Officer Level 1 in the Enterprise Systems Division 	To perform statutory duties and associated functions for the administration and enforcement of revenue and recognised laws, including residency requirements, under the following: <ul style="list-style-type: none"> (a) <i>Betting Tax Act 2018</i> (Qld); (b) <i>Building Boost Grant Act 2011</i> (Qld); (c) <i>Duties Act 2001</i> (Qld); (d) <i>First Home Owner Grant Act 2000</i> (Qld); (e) <i>Land Tax Act 2010</i> (Qld); (f) <i>Mineral Resources Act 1989</i> (Qld); (g) <i>Payroll Tax Act 1971</i> (Qld); (h) <i>Petroleum Act 1923</i> (Qld); (i) <i>Taxation Administration Act 2001</i> (Qld)
28	Office of State Revenue, Western Australia	<ul style="list-style-type: none"> (a) Level 3 to 7 in the Payroll Tax, Duties, Land Tax and First Home Owner Grant Investigation teams; (b) Level 2 to 6 in the Analysis and Support and Business Intelligence Solutions teams; (c) Level 8 to Class 1 in Compliance and Operations Group 1 Management; (d) Level 3 to 6 in the Grants and Subsidies, Recovery, and Land Tax teams 	To assist in the administration and enforcement of revenue laws (including, but not limited to, data matching, determining residency of persons and facilitating the investigation of cases involving the evasion and avoidance of duties, taxes, grants and subsidies) under the following: <ul style="list-style-type: none"> (a) <i>Duties Act 2008</i> (WA); (b) <i>First Home Owner Grant Act 2000</i> (WA);

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		Note: the levels are in accordance with the Public Service and Government Officers General Agreement.	(c) <i>Land Tax Assessment Act 2002</i> (WA); (d) <i>Pay-roll Tax Assessment Act 2002</i> (WA); (e) <i>Taxation Administration Act 2003</i> (WA)
29	Office of the Health Ombudsman (Qld)	(a) Administrative Officer Level 3 to Senior Officer Level 1 in the Investigations Division;(b) Executive Director Investigations level in the Investigations Division; (c) Administrative Officer Level 4 to Senior Officer Level 1 in the Monitoring and Compliance Team in the Investigations Division; (d) Administrative Officer Level 4 in the Immediate Action Team; (e) Administrative Officer Level 6 to Senior Officer Level 1 in the Immediate Action Team; (f) Administrative Officer Level 3 and Administrative Officer Level 4 in the Legal Services Division; (g) Professional Officer Level 4 to Professional Officer Level 6 in the Legal Services Division	To perform statutory duties and associated functions under the <i>Health Ombudsman Act 2013</i> (Qld)
30	Queensland Police Service	Officer or staff member who: (a) has responsibility to perform statutory duties and associated functions on behalf of the Queensland Police Service; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 2003</i> (Qld); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Code Act 1899</i> (Qld); (iv) <i>Penalties and Sentences Act 1992</i> (Qld); (v) <i>Police Powers and Responsibilities Act 2000</i> (Qld); (b) assist in the administration and enforcement of laws

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
			<p>relating to a criminal law, the prevention of a crime or the detection of criminal conduct;</p> <p>(c) conduct missing persons investigations</p>
31	Revenue New South Wales	<p>(a) Assistant Advisor, Fine Review;</p> <p>(b) Assistant Advisor, Tax Debt Collections;</p> <p>(c) Assistant Compliance Officer;</p> <p>(d) Assistant Coordinator, Camera and Nominations;</p> <p>(e) Assistant Coordinator, Civil Debt Collections;</p> <p>(f) Assistant Coordinator, Compliance;</p> <p>(g) Assistant Coordinator, Fine Review;</p> <p>(h) Assistant Operations Officer;</p> <p>(i) Assistant Support Officer, Compliance;</p> <p>(j) Assistant Support Officer, Fines;</p> <p>(k) Civil Debt Coordinator;</p> <p>(l) Collections Support Officer;</p> <p>(m) Compliance Officer;</p> <p>(n) Compliance Support Officer;</p> <p>(o) Consultant, Cameras and Nominations;</p> <p>(p) Coordinator, Tax Debt Collections;</p> <p>(q) Operations Officer;</p> <p>(r) Operations Support Officer;</p> <p>(s) Performance and Integrity Officer;</p> <p>(t) Support Officer, Civil Debt Collections;</p> <p>(u) Support Officer, Fine Review;</p> <p>(v) Support Officer, Fines;</p> <p>(w) Support Officer, Fines Debt;</p>	<p>To:</p> <p>(a) verify immigration status and residence status for assessment of eligibility and entitlements under the following:</p> <p>(i) <i>First Home Owner Grant (New Homes) Act 2000</i> (NSW);</p> <p>(ii) <i>Regional Relocation (Home Buyers Grant) Act 2011</i> (NSW);</p> <p>(iii) <i>Regional Relocation (Skills Incentive) Act 2011</i> (NSW);</p> <p>(b) assist in the investigation and determination of liabilities under the following:</p> <p>(a) <i>Duties Act 1997</i> (NSW);</p> <p>(b) <i>Gaming Machine Tax Act 2001</i> (NSW);</p> <p>(c) <i>Land Tax Act 1956</i> (NSW);</p> <p>(d) <i>Land Tax Management Act 1956</i> (NSW);</p> <p>(e) <i>Mining Act 1992</i> (NSW);</p> <p>(f) <i>Offshore Minerals Act 1999</i> (NSW);</p> <p>(g) <i>Parking Space Levy Act 2009</i> (NSW);</p> <p>(h) <i>Payroll Tax Act 2007</i> (NSW);</p> <p>(i) <i>Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011</i> (NSW);</p> <p>(j) <i>Petroleum (Offshore) Act 1982</i> (NSW);</p> <p>(k) <i>Petroleum (Onshore) Act 1991</i> (NSW);</p> <p>(l) <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> (NSW);</p> <p>(m) <i>Small Business Grants (Employment</i></p>

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		(x) Support Officer, Tax Debt Collections; (y) Technical Advisor	<i>Incentive) Act 2015</i> (NSW); (n) <i>Taxation Administration Act 1996</i> (NSW); (c) assist in the investigation, prosecution and enforcement of fines, fees and penalties (including, but not limited to, the location of individuals falsely nominated for demerit point driving offences) under the relevant provisions of the following: (i) <i>Fines Act 1996</i> (NSW); (ii) <i>Health Services Act 1997</i> (NSW); (iii) <i>Road Transport Act 2013</i> (NSW)
32	Revenue SA, Department of Treasury and Finance (Revenue SA)	Employee with responsibility to perform statutory duties and associated functions on behalf of Revenue SA	To perform statutory duties and associated functions for the administration and enforcement of revenue and recognised laws, including residency requirements, under the following: (a) <i>First Home and Housing Construction Grants Act 2000</i> (SA); (b) <i>Taxation Administration Act 1996</i> (SA)
33	South Australia Police (SA Police)	Officer or member who: (a) has responsibility to perform statutory duties and associated functions on behalf of SA Police; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroners Act 2003</i> (SA); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Law Consolidation Act 1935</i> (SA); (iv) <i>Sentencing Act 2017</i> (SA); (b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations
34	State Revenue Office, Victoria	(a) Area Manager;	To perform statutory duties and associated functions

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
		(b) Program Manager; (c) Principal Investigator; (d) Senior Investigator; (e) Investigator; (f) Revenue Reporting Analyst; (g) Strategic Liaison Officer; (h) Senior Analyst; (i) Senior Administration Officer	under the following: (a) <i>Duties Act 2000</i> (Vic); (b) <i>First Home Owner Grant Act 2000</i> (Vic); (c) <i>Land Tax Act 2005</i> (Vic); (d) <i>Taxation Administration Act 1997</i> (Vic)
35	Tasmania Police	Officer or special constable who: (a) has responsibility to perform statutory duties and associated functions on behalf of the Tasmania Police; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 1995</i> (Tas); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Code Act 1924</i> (Tas); (iv) <i>Police Service Act 2003</i> (Tas); (v) <i>Sentencing Act 1997</i> (Tas); (b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations
36	Victoria Police	Officer or employee who: (a) has responsibility to perform statutory duties and associated functions on behalf of Victoria Police; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 2008</i> (Vic); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Crimes Act 1958</i> (Vic); (iv) <i>Sentencing Act 1991</i> (Vic); (v) <i>Victoria Police Act 2013</i> (Vic);

Item	Column 1 Prescribed agency	Column 2 Prescribed employee	Column 3 Prescribed purpose
			(b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations
37	Western Australia Police Force (WA Police Force)	Officer or constable who: (a) has responsibility to perform statutory duties and associated functions on behalf of WA Police Force; (b) is engaged in investigations involving persons who have been reported as missing	To: (a) perform statutory duties and associated functions under the following: (i) <i>Coroner's Act 1996</i> (WA); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Code Act Compilation Act 1913</i> (WA); (iv) <i>Criminal Investigation Act 2006</i> (WA); (v) <i>Police Act 1892</i> (WA); (vi) <i>Sentencing Act 1995</i> (WA); (b) assist in the administration and enforcement of laws relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) conduct missing persons investigations

Schedule 3—Repeals

Migration (LIN 18/068: Access to Movement Records) Instrument 2018 (F2018L01199)

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/033: Access to Movement Records) Instrument 2020

(regulation 3.10A)

1. The instrument, LIN 20/033, is made under regulation 3.10A of the *Migration Regulations 1994* (the Regulations).
2. Regulation 3.10A provides for access to **movement records**, as defined under subsection 5(1) of the *Migration Act 1958* (the Act). Access to information contained in movement records is often necessary for the proper administration of a variety of legislation and for a number of purposes. The instrument therefore seeks to facilitate this and to assist relevant agencies and their officers and employees in performing statutory duties and associated functions effectively.
3. Subsection 488(1) of the Act prohibits a person from reading, examining, reproducing, using or disclosing any part of the movement records. However, subparagraph 488(2)(a)(vii) of the Act permits the Minister to authorise an **officer**, as defined under subsection 5(1) of the Act, to perform for the purposes of any prescribed legislation an action prohibited by subsection 488(1). Under subregulation 3.10A(1) of the Regulations, for subparagraph 488(2)(a)(vii) of the Act, Commonwealth, State and Territory legislation specified by the Minister in an instrument in writing is prescribed. Accordingly, the instrument operates to specify Commonwealth, State or Territory legislation, the purposes for which an officer is authorised to access movement records.
4. Similarly, paragraph 488(2)(g) of the Act permits the Minister to authorise a prescribed employee of a prescribed agency to perform an action prohibited by subsection 488(1) for prescribed purposes. Under subregulation 3.10A(2) of the Regulations, for paragraph 488(2)(g) of the Act, an agency of the Commonwealth, a State or a Territory; an employee of a prescribed agency; and a purpose specified in an instrument in writing is prescribed. Accordingly, the instrument also operates to specify agencies, employees and purposes for which movement records can be accessed by prescribed employees of

prescribed agencies of the Commonwealth, or of a State or Territory for prescribed purposes.

5. The instrument repeals LIN 18/068 (F2018L01199) made under regulation 3.10A of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
6. The purpose of the instrument is to update the information previously contained in LIN 18/068 to ensure all officers, agencies and their employees who require access to movement records for various purposes are authorised to do so. Accordingly, changes have been made to the legislation specified under subregulation 3.10A(1) and the agencies, employees and purposes specified under subregulation 3.10A(2).
7. In the table in Schedule 1 of the instrument:
 - a. the specified Commonwealth, State and Territory legislation are updated to reflect citation changes or to correct typographical errors;
 - b. the following additional Commonwealth legislation are specified:
 - i. *Commonwealth Electoral Act 1918* (Cth);
 - ii. *Office of National Intelligence Act 2018* (Cth); and
 - c. the following additional State and Territory legislation are specified:
 - i. *Care and Protection of Children Act 2007* (NT);
 - ii. *Child and Young People (Safety) Act 2007* (SA);
 - iii. *Child Protection Act 1999* (Qld);
 - iv. *Children and Community Services Act 2004* (WA);
 - v. *Children, Young Persons and Their Families Act* (Tas);
 - vi. *Child, Youth and Families Act 2005* (Vic);
 - vii. *Coroner's Act 1996* (WA);
 - viii. *Crimes (Domestic and Personal Violence) Act 2007* (NSW);
 - ix. *Domestic and Family Violence Act 2007* (NT);
 - x. *Domestic and Family Violence Protection Act 2012* (Qld);

- xi. *Domestic Violence Act 1994* (SA);
- xii. *Duties Act 2008* (WA);
- xiii. *Family Court Act 1997* (WA);
- xiv. *Family Violence Act 2004* (Tas);
- xv. *Family Violence Act 2016* (ACT);
- xvi. *Family Violence Protection Act 2008* (Vic);
- xvii. *Land Tax Assessment Act 2002* (WA);
- xviii. *Payroll Tax Assessment Act 2002* (WA);
- xix. *Restraining Orders Act 1997* (WA);
- xx. *Road Safety Act 1986* (Vic).

8. In the table in Schedule 2 of the instrument:

- a. the names of the following agencies are updated to reflect recent machinery of government change:
 - i. Department of Agriculture, Water and the Environment (formerly known as the Department of Agriculture and Water Resources);
 - ii. Department of Education, Skills and Employment (formerly known as the Department of Education and Training);
 - iii. Services Australia (formerly known as the Department of Human Services);
- b. the following agencies are no longer specified, to ensure that movement records are directly accessed only by agencies who require access in order to perform their functions effectively:
 - i. Department of Defence;
 - ii. Department of Social Services; and
- c. an additional thirteen agencies are specified.

9. Australian Electoral Commission (AEC) and certain employees in the Elections Branch of the AEC are additionally specified. The purpose for which movement records can be accessed by these employees is specified to identify electors who appear to have failed to vote at an election under the *Commonwealth Electoral Act 1918* (Cth).

10. As the conduct or assisting the conduct of security vetting can require access to movement records, additional agencies and purposes are specified. This includes the

Australian Government Security Vetting Agency (AGSVA), the Australian Secret Intelligence Service (ASIS) and the Office of National Intelligence (ONI). The purposes for which the movement records can be accessed are updated for the following agencies, to include assisting authorised vetting agencies to conduct security vetting:

- a. Australian Federal Police (AFP);
 - b. Australian Security Intelligence Organisation (ASIO);
 - c. Department of Foreign Affairs and Trade (DFAT);
 - d. Department of Home Affairs.
11. In addition to assisting agencies in conducting security vetting, the ONI is also specified to ensure employees of ONI have access to the movement records to perform any statutory duties and associated functions under the *Office of National Intelligence Act 2018* (Cth).
12. The Office of State Revenue, Western Australia and Revenue SA, Department of Treasury and Finance (Revenue SA) are additionally specified to facilitate the administration and enforcement of revenue laws. This includes through data matching, determining residency of persons and investigating cases of tax avoidance.
13. Seven additional agencies are specified for the conduct or assisting the conduct of investigations in relation to persons who have been reported as missing. These are:
- a. New South Wales Police Force (NSW Police Force);
 - b. Northern Territory Police (NT Police Force);
 - c. Queensland Police Service;
 - d. South Australia Police (SA Police);
 - e. Tasmania Police;
 - f. Victoria Police;
 - g. Western Australian Police Force (WA Police Force).
14. Consultation was undertaken in order to determine the legislation under which officers require access to movement records, as well as which employees of which agencies require access and for what purposes, and the best way to facilitate this access. Consultation was undertaken with, but not limited to:
- a. Commonwealth agencies, including the Australian Electoral Commission, Australian Federal Police, Australian Government Security Vetting Agency,

Australian Secret Intelligence Service, Australian Securities and Investments Commission, Australian Security Intelligence Organisation, Australian Signals Directorate, Australian Taxation Office, Australian Transaction Reports and Analysis Centre, Clean Energy Regulator, Department of Defence, Department of Education, Department of Foreign Affairs and Trade, Department of Health, Fair Work Ombudsman, National Disability Insurance Agency, Office of National Intelligence and Services Australia; and

- b. State and Territory agencies, including New South Wales Police, Northern Territory Police, Queensland Police, South Australian Police, Tasmania Police, Victoria Police, Western Australian Police Force, State Revenue Office South Australia (Revenue SA), Office of State Revenue Queensland Treasury, Office of State Revenue Western Australia, Office of the Health Ombudsman and the Department of Justice Western Australia.
15. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25665).
 16. The officer (Senior Executive Service, Band One, Border Systems and Programme Management Branch, Strategic Border Command Division) who made the instrument was delegated the powers required to make the instrument in the *Australian Border Force (Minister) Delegations and Authorisations 2018* (ABF (M) No. 1 of 2018), signed on 15 February 2018.
 17. Under section 42 of the *Legislation Act 2003*, the instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been provided at **Attachment A**.
 18. The instrument commences on the day after it is registered on the Federal Register of Legislation.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Migration (LIN 20/033: Access to Movement Records) Instrument 2020

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

Subsection 488(1) of the *Migration Act 1958* (Migration Act) provides that a person must not read; examine; reproduce by any means; use or disclose by any means; any part of the movement records, otherwise than in accordance with an authority given under subsection 488(2) of the Migration Act. A penalty applies to the performing of an act prohibited by subsection 488(1), unless when authorised in accordance with subsection 488(2).

The term ‘movement records’ means information stored in a notified data base, which the Movements Reconstruction Database (referred to as the Movement Data Base in Gazette Notice 34 dated 31 August 1994) is declared to be pursuant to section 489 of the Migration Act.

The Movement Reconstruction Database contains information kept for the purposes of the Migration Act in relation to the entry into, and departure of persons from, Australia since June 1981. The information may include a traveller's name, date of birth, gender and relationship status, country of birth, departure and/or arrival date, travel document number and country, port code and flight/vessel details, visa subclass and expiry date, and the number of movements.

The circumstances in which the Minister may authorise a person to perform one or more of the actions prohibited by subsection 488(1) include where the action is required for the purposes of prescribed legislation (subparagraph 488(2)(vii)) and where the action is being performed by a prescribed employee of a prescribed agency for a prescribed purpose (subsection 488(2)(g)).

Section 5(1) of the Act defines ‘prescribed’ to mean prescribed by the regulations. The regulation which prescribes the matters for the purposes of subparagraph 488(2)(a)(vii) and paragraph 488(2)(g) is regulation 3.10A of the *Migration Regulations 1994 (Cth)* (the Regulations).

Regulation 3.10A states –

- (1) For subparagraph 488(2)(a)(vii) of the Act, Commonwealth, State or Territory legislation specified by the Minister in an instrument in writing for this subregulation is prescribed.

Note: Under subsection 488(1) of the Act, a person must not read, examine, reproduce, use or disclose any part of the Movement Records. However, subparagraph 488(2)(a)(vii) of the Act permits the Minister to authorise an officer to perform one or more of those actions for the purposes of prescribed Commonwealth, State or Territory legislation.

(2) For paragraph 488(2)(g) of the Act:

- (a) an agency of the Commonwealth, a State or a Territory specified by the Minister in an instrument in writing for this paragraph is prescribed; and
- (b) an employee of a prescribed agency who is specified by the Minister in an instrument in writing for this paragraph is prescribed; and
- (c) a purpose specified by the Minister in an instrument in writing for this paragraph is prescribed.

Note: Under subsection 488(1) of the Act, a person must not read, examine, reproduce, use or disclose any part of the Movement Records. However, paragraph 488(2)(g) of the Act permits the Minister to authorise a prescribed employee of a prescribed agency of the Commonwealth, or of a state or Territory, to perform one or more of those actions for a prescribed purpose.

Accordingly, this instrument prescribes the legislation for the purposes of subparagraph 488(2)(a)(vii) and employees, agencies and purposes for the purposes of paragraph 488(2)(g).

This instrument also repeals *Migration (LIN 18/068: Access to Movement Records) Instrument 2018*, signed on 24 August 2018 and cited as LIN 18/068.

The key changes in this instrument from LIN 18/068 are:

Schedule 1

Addition of legislation:

1. *Care and Protection of Children Act 2007* (NT);
2. *Child and Young People (Safety) Act 2007* (SA);
3. *Child Protection Act 1999* (Qld);
4. *Child, Youth and Families Act 2005* (Vic);
5. *Children and Community Services Act 2004* (WA);
6. *Children, Young Persons and Their Families Act* (Tas);
7. *Commonwealth Electoral Act 1918* (Cth)
8. *Coroner's Act 1996* (WA);
9. *Crimes (Domestic and Personal Violence) Act 2007* (NSW);
10. *Domestic and Family Violence Act 2007* (NT);
11. *Domestic and Family Violence Protection Act 2012* (Qld);
12. *Domestic Violence Act 1994* (SA);
13. *Duties Act 2008* (WA)
14. *Family Court Act 1997* (WA);
15. *Family Violence Act 2004* (Tas);
16. *Family Violence Act 2016* (ACT);
17. *Family Violence Protection Act 2008* (Vic);
18. *Land Tax Assessment Act 2002* (WA)
19. *Office of National Intelligence Act 2018* (Cth)
20. *Payroll Tax Assessment Act 2002* (WA)
21. *Restraining Orders Act 1997* (WA);
22. *Road Safety Act 1986* (Vic).

Addition of these Acts will facilitate data sharing with appropriate agencies for the protection of vulnerable people as well as between Home Affairs and the below agencies:

1. The Australian Electoral Commission
2. The Office of State Revenue, Western Australia
3. Office of National Intelligence
4. State Revenue Office, South Australia

Schedule 2

- (1) The names of the following agencies have been updated to reflect recent machinery of government change:
 - (a) Department of Agriculture, Water and the Environment (formerly known as the Department of Agriculture and Water Resources);
 - (b) Department of Education, Skills and Employment (formerly known as the Department of Education and Training); and
 - (c) Services Australia (formerly known as the Department of Human Services).
- (2) The following agencies are no longer specified to ensure that movement records are directly accessed only by agencies who require access in order to perform their functions effectively:
 - (a) Department of Defence;
 - (b) Department of Social Services
- (3) The purposes and employees of several agencies have been updated to reflect changes to agency structures. These changes effectively restrict movement records to specific levels of staff or work areas in specific agencies for specific purposes.
- (4) The following agencies have been added to facilitate access to movement records to enable those agencies to perform their statutory duties and associated functions effectively:
 - (a) Australian Electoral Commission (AEC)
 - (b) Australian Government Security Vetting Agency (AGSVA)
 - (c) Australian Secret Intelligence Service (ASIS)
 - (d) Office of National Intelligence (ONI)
 - (e) The Office of State Revenue, Western Australia
 - (f) Revenue SA, Department of Treasury and Finance (Revenue SA)
 - (g) New South Wales Police Force (NSW Police Force);
 - (h) Northern Territory Police (NT Police Force);
 - (i) Queensland Police Service;
 - (j) South Australia Police (SA Police);
 - (k) Tasmania Police;
 - (l) Victoria Police;
 - (m) Western Australian Police Force (WA Police Force)

Human rights implications

This legislative instrument engages the prohibition against arbitrary or unlawful interference with privacy in that it seeks to control government access to the personal information contained in movement records. However, the disclosure of movement records as authorised by this instrument will not be an arbitrary or unlawful interference with privacy. Article 17(1) of the International Covenant on Civil and Political Rights (ICCPR) states that:

‘No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.’

Article 17(2) of the ICCPR states that:

‘Everyone has the right to the protection of the law against such interference or attacks.’

The disclosure of movement records will be lawful as authorised by this instrument. To the extent that the changes to the instrument may limit the prohibition against arbitrary or unlawful interference with privacy through the sharing of movement records, this is necessary, reasonable and proportionate in meeting the policy objectives of Regulation 3.10A, that is to facilitate government and law enforcement agencies in the exercise of their functions and duties as well as to protect the Australian community. In particular, the following additional agencies have been added to the instrument for the following reasons:

- (a) AEC and certain employees in the Elections Branch of the AEC are specified so movement records can be accessed to identify electors who appear to have failed to vote at an election under the *Commonwealth Electoral Act 1918* (Cth);
- (b) AGSVA, ASIS and ONI are specified because the conduct of security vetting may require access to movement records;
- (c) ONI is also specified to ensure employees of ONI have access to the movement records to perform any statutory duties and associated functions under the *Office of National Intelligence Act 2018* (Cth);
- (d) the Office of State Revenue, Western Australia and Revenue SA are specified to facilitate the administration and enforcement of revenue laws, including through data matching, determining residency of persons and investigating cases of tax avoidance;
- (e) the police forces for five states and the NT are specified to enable the assistance in the conduct of investigations in relation to missing persons and to protect vulnerable people.

The further restrictions that the update to the instrument impose ensure that the disclosure of movement records only occurs where it is necessary for persons who have a need to access the information in the exercise of their functions under legislation. In particular, Department of Defence (Defence) is no longer specified in the instrument as they no longer require access for the purpose of assessing, verifying and processing security clearances. Additionally, Defence no longer performs statutory duties for the purpose of *Intelligence Services Act 2001* for which they previously required access. In addition, the Department of Social Services is no longer specified as the relevant staff who required access for the purposes previously specified have transferred to the Department of Home Affairs under machinery of government changes. As such, preventing broad access to movement records and limiting it to those persons and agencies who have a need for the exercise of power is reasonable and proportionate to the legitimate objective of facilitating government and law enforcement agencies in the exercise of their statutory duties and associated functions as well as to protecting the Australian community.

Further, the protection of the right in Article 17(1), and consistent with the requirement in Article 17(2), is set out in domestic Australian law under the *Privacy Act 1988* (the Privacy Act). The Privacy Act contains the Australian Privacy Principles which regulate how

agencies may collect, use, disclose and store, personal information, and how individuals may access and correct personal information held about them. Given that the proposed dissemination of the information in the Movements Reconstruction Database will be executed in accordance with the Privacy Act, the personal information contained in this database will be afforded the legal protection of the Privacy Act. The Migration Act itself imposes a penalty of imprisonment for 2 years to the unlawful access to movement records. Additionally, the instrument itself provides lawful protections in that it restricts the disclosure of the personal information in movement records to officers and employees in particular agencies acting under particular legislation and for purposes specified in the instrument.

Conclusion

To the extent the instrument may limit the prohibition against arbitrary or unlawful interference with privacy, as discussed above, this is necessary in furtherance of a legitimate objective and is proportionate to that objective. This change is compatible with the relevant human rights obligations for the reasons outlined above.

**The Hon. Peter Dutton MP
Minister for Home Affairs**