



LIN 25/053

## **Australian Border Force (Secrecy and Disclosure) Rule 2025**

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I, Tony Burke, Minister for Home Affairs, make the following instrument.

Dated            18 September 2025

Tony Burke  
Minister for Home Affairs

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## **1 Name**

This instrument is the *Australian Border Force (Secrecy and Disclosure) Rule 2025*.

## **2 Commencement**

This instrument commences **on the day after registration**.

## **3 Authority**

This instrument is made under subsection 58(1) of the *Australian Border Force Act 2015*.

## **4 Bodies and persons**

For the purposes of paragraph 44(4)(f) of the Act, the bodies and persons mentioned in Schedule 1 are prescribed.

## **5 Permitted purposes**

For the purposes of paragraph 46(o) of the Act, the purposes mentioned in Schedule 2 are prescribed.

## **6 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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# Schedule 1—Permitted bodies and persons

Note: See section 4.

## 1 List of prescribed bodies and persons

A permitted body or person mentioned in the following table is prescribed for the purposes of this instrument.

<b>Item</b>	<b>Permitted bodies and persons</b>
1	Australian Red Cross Society.
2	Royal Society for the Prevention of Cruelty to Animals Australia.
3	Royal Society for the Prevention of Cruelty to Animals New South Wales.
4	Royal Society for the Prevention of Cruelty to Animals Victoria.
5	Royal Society for the Prevention of Cruelty to Animals Queensland.
6	Royal Society for the Prevention of Cruelty to Animals Western Australia.
7	Royal Society for the Prevention of Cruelty to Animals South Australia.
8	Royal Society for the Prevention of Cruelty to Animals Tasmania.
9	Royal Society for the Prevention of Cruelty to Animals Australian Capital Territory.
10	Royal Society for the Prevention of Cruelty to Animals Darwin Regional Branch.

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## Schedule 2—Permitted purposes

Note: See section 5.

### 1 List of prescribed permitted purposes

A purpose mentioned in the following table is prescribed for the purposes of this instrument.

Item	Permitted bodies and persons
1	A purpose relating to assisting in the detection or identification of persons who may pose a possible risk to Australia or a foreign country.
2	A purpose relating to the investigation or assisting in the investigation of a potential misconduct or a potential integrity issue.
3	A purpose relating to matters covered by the <i>Australian Trade and Investment Commission Act 1985</i> .
4	A purpose relating to international trade and supply chain regulation and relating to the mapping and understanding of risks to supply chains that are critical to the national interest.
5	A purpose relating to matters covered under the <i>Export Control Act 2020</i> , <i>Illegal Logging Prohibition Act 2012</i> , and <i>Imported Food Control Act 1992</i> .
6	A purpose relating to matters covered under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , <i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i> , <i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i> , <i>Product Emissions Standards Act 2017</i> and <i>Recycling and Waste Reduction Act 2020</i> .

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## **Schedule 3—Repeals**

### *Australian Border Force (Secrecy and Disclosure) Rule 2015*

#### **1 The whole of the instrument**

Repeal the instrument.

## **EXPLANATORY STATEMENT**

Issued by authority of the Minister for Home Affairs

*Australian Border Force Act 2015*

*Australian Border Force (Secrecy and Disclosure) Rule 2025*

### **Legislative authority**

The *Australian Border Force Act 2015* (the Act) concerns the Australian Border Force (ABF), the Australian Border Force Commissioner, and persons performing work for the Department of Home Affairs (the Department), and for related purposes.

Subsection 58(1) of the Act allows the Minister of the Department to make, by legislative instrument, rules prescribing matters required or permitted to be prescribed by rules, or necessary or convenient to be prescribed for carrying out of giving effect to the Act.

Subsection 46(o) of the Act provides that the rules may prescribe permitted purposes for the disclosure of Immigration and Border Protection (IBP) information for the purposes of sections 44 and 45 of the Act.

Paragraph 44(4)(f) of the Act also provides that the rules may prescribe certain bodies and persons to whom IBP information may be disclosed (if other requirements are satisfied) under section 44 of the Act.

### **Purpose**

The *Australian Border Force (Secrecy and Disclosure) Rule 2015* (the 2015 Rule) is scheduled to sunset on 1 October 2025. This means that the Rule will be automatically repealed by the operation of subsection 50(1) of the *Legislation Act 2003* and cease to be in force.

The purpose of the *Australian Border Force (Secrecy and Disclosure) Rule 2025* (the 2025 Rule) is to remake the 2015 Rule, to ensure that the Department can continue to disclose IBP information to the permitted bodies and persons and for the permitted purposes provided for in the 2015 Rule. The 2025 Rule does not remove the existing bodies and persons to which IBP information can be disclosed to for the purposes of section 44(4)(f) of the Act as they remain operationally necessary.

The 2025 Rule provides four further permitted purposes for the disclosure of IBP information, including information that is also personal information. In the ABF Act, ‘personal information’ has the same meaning as in the *Privacy Act 1988* (‘Privacy Act’). The additional purposes will provide clarity regarding the disclosure of IBP information, which will support greater operational effectiveness for the ABF and minimise operational barriers.

## Background

The 2015 Rule prescribes permitted purposes for the disclosure of IBP information that is or is not also personal information made by entrusted persons under sections 44 and 45 of the Act. Section 44 of the Act outlines the circumstances in which an entrusted person may disclose IBP information to a person or body. Section 45 of the Act outlines the circumstances in which IBP information may be disclosed to a foreign country, agency or authority of a foreign country or a public international organisation. Sections 44 and 45 of the Act require, amongst other things, that the Secretary is satisfied that the disclosure of any IBP information that is also personal information is necessary for a purpose mentioned in s 46 of the Act.

In addition, section 51 of the Act sets out the interaction between the Act with the Privacy Act, and relevantly provides that the disclosure, in accordance with sections 44 and 45 of the ABF Act, is taken to be a disclosure that is authorised by the Privacy Act, and therefore lawfully disclosed for the purposes of the Privacy Act as well.

Since the 2015 Rule was last amended in 2018, emerging operational needs have given rise to the need for further permitted purposes from that outlined in legislation to facilitate disclosure of IBP information. Consultation with Government stakeholders has identified the requirement to:

- retain the existing permitted purposes;
- prescribe four additional permitted purposes to satisfy these operational needs; and
- retain the existing bodies and persons to whom IBP information may be disclosed.

These amendments to the 2015 Rule will align the permitted purposes for disclosure of IBP information with operational needs.

As a result of broad consultation across Government, the following four permitted purposes are included in the 2025 Rule:

- a purpose relating to matters covered by the *Australian Trade and Investment Commission Act 1985* (the Austrade Act);
- a purpose relating to trade and supply chain regulation, and to the mapping and understanding of risks to supply chains that are critical to the national interest;
- a purpose relating to matters covered under the *Export Control Act 2020*, *Illegal Logging Prohibition Act 2012*, and *Imported Food Control Act 1992*; and
- a purpose relating to matters covered under the *Environment Protection and Biodiversity Conservation Act 1999*, *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, *Product Emissions Standards Act 2017*, and *Recycling and Waste Reduction Act 2020*.

## Impact and Effect

The retaining of the existing permitted purposes ensures that the Department can continue to disclose IBP information to the permitted bodies and persons, for the permitted purposes

currently outlined in subsection 46(o) of the 2015 Rule. The impact of adding further permitted purposes ensures that the purposes for which IBP information can be disclosed are clear and operationally current, preventing operational delay and barriers.

#### *Purposes included from the 2015 Rule*

##### *Assisting in the detection or identification of persons who may pose a possible risk to Australia or a foreign country*

The Department undertakes its role of protecting Australia's borders in collaboration with partner agencies responsible for national security and related matters. From time to time the Department needs to disclose IBP information that contains personal information to these agencies for the purposes of the powers, duties and functions of these partner agencies insofar as they relate to identifying individuals who may pose a risk to Australia or to a foreign country. Including this permitted purpose in the 2025 Rule is necessary to continue to enable effective disclosure under section 44 and section 45 of the ABF Act of IBP information that may contain personal information for these legitimate purposes.

##### *Investigation or assisting in the investigation of potential misconduct or a potential integrity issue*

Integrity and the detection and prevention of misconduct promotes good governance and public administration in Australia. The disclosure of IBP information for the purpose of investigating potential misconduct or integrity contributes to the timely detection and investigation of such concerns. Including this permitted purpose in the 2025 Rule is necessary to continue to enable effective disclosure under section 44 and section 45 of the ABF Act of IBP information that may contain personal information for these legitimate purposes.

#### *Additional Purposes*

##### *Matters covered by the Austrade Act*

The inclusion of purposes related to the Austrade Act is considered necessary to fulfil Austrade's functions and to address data sharing challenges. This includes the provision of Integrated Cargo System (ICS) data to Austrade, to enable them to carry out legislated responsibilities pursuant to the Austrade Act. The addition of the permitted purpose for matters relating to the Austrade Act balances the needs of partner agencies in seeking to deliver Government initiatives, particularly facilitating and encouraging trade and investment between Australia and foreign countries, with the expectations of industry and the community in the ethical and responsible management of data. The addition of this purpose was suggested following consultation with Austrade.

##### *Mapping and understanding of risks to supply chains that are critical to the national interest*

The 2025 Rule prescribes an additional permitted purpose in circumstances relating to trade and supply regulation, and the mapping and understanding of risks to supply chains that are critical to the national interest. The explicit addition of this provision supports operational

requirements. As an example of the need to explicitly include this purpose, the COVID-19 pandemic highlighted that supply chains are a major national security issue, but risks to supply chains are not prescribed by the 2015 Rule as a permitted purpose.

The inclusion will primarily enable the Department of Home Affairs to share data collected in the Integrated Cargo System (ICS) with other Government entities. The ICS is used by the Australian Border Force to manage the import and export of goods into and out of Australia.

#### *Matters relating to export control, illegal logging and imported food control*

The addition of the permitted purpose to disclose IBP information for matters relating to export control, illegal logging and imported food control, assists the Government to disrupt the trafficking of regulated commodities and detect the manipulation of border systems and controls. This protects the nation's food supply, agricultural industries, market access and the environment. It will also assist in the identification and mitigation of vulnerabilities in border security arising from changes in international markets, supply chains, policies and legislation as well as identifying behavioural and system indicators of non-compliance in the movement of goods and conveyances into and out of Australia.

#### *Environmental Protection and Biodiversity Conservation, Ozone Protection, Product Emissions, and Recycling*

The 2025 Rule also prescribes an additional permitted purpose to disclose IBP information relating to matters to support the Australian Government in safeguarding the environment, protecting the ozone layer, mitigating the impacts of global warming and encourage investment in Australia's circular economy, which will in turn assist Australia to meet its international obligations. Disclosure of this information also helps to disrupt the illegal trade of regulated wildlife, hazardous gases, waste, and other harmful products that threaten both the environment and human health. It focuses on detecting and preventing the misuse of border systems and controls, addressing vulnerabilities in border security created by shifts in demand, supply chains, policies, and legislation. These disclosures assist in the identification of behavioural and systemic indicators of non-compliance in the movement of goods and conveyances to and from Australia.

#### *Permitted bodies and persons*

The 2025 Rule retains the list of ten permitted bodies and persons that IBP information can be disclosed to as these permitted bodies and persons remain operationally relevant. The Australian Red Cross Society, as humanitarian observers, monitor conditions within immigration facilities and disclosure continues to be necessary to facilitate this arrangement. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) has member societies in each State & Territory within Australia, as well as the national office, RSPCA Australia. Their work includes investigating animal cruelty complaints, as well as issues regarding animal trade. For this reason, disclosure remains relevant to these bodies.

## **Consultation**

The Department consulted with relevant Government stakeholders, including the Department of Agriculture, Fisheries and Forestry and Austrade, as well as internal stakeholders including the Data Services Branch and Industry and Border Systems Executive – Strategy & Capability Branch, on proposed permitted purposes to be added to the Rule.

External consultation was not undertaken as the Rule applies to ‘entrusted persons’ as defined by the Act which predominately captures internal staff.

## **Commencement**

The 2025 Rule commences on the day after it is registered on the Federal Register of Legislation.

## **Details and Operation**

The 2025 Rule is a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the 2025 Rule are set out in Attachment A.

A Statement of Compatibility with Human Rights has been prepared in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*, and is set out in Attachment B.

The 2025 Rule is subject to sunseting requirements as set out in subsection 50(1) of the *Legislation Act 2003*.

**Details of the proposed *Australian Border Force (Secrecy and Disclosure) Rule 2025***

**Section 1 – Name**

This section provides that the title of this instrument is the *Australian Border Force (Secrecy and Disclosure) Rule 2025*.

**Section 2 – Commencement**

This section sets out that this instrument commences on the day after the instrument is registered on the Federal Register of Legislation.

**Section 3 - Authority**

This section provides the authority under which this instrument to be made, is the *Australian Border Force Act 2015*.

Subsection 58(1) of the Act allows the Minister of the Department to make, by legislative instrument, rules prescribing matters required or permitted to be prescribed by rules, or necessary or convenient to be prescribed for carrying out of giving effect to the Act.

**Section 4 – Bodies and persons**

This section provides that for paragraph 44(4)(f) of the Act, the purposes mentioned in Schedule 1 are prescribed.

**Section 5 – Permitted purposes**

This section provides that for paragraph 46(o) of the Act, the purposes mentioned in Schedule 2 are prescribed.

**Section 6 - Repeals**

This section provides that the instruments specified in a schedule to the instrument is amended or repealed as set out in the relevant schedule.

## Schedule 1—Permitted bodies and persons

The table in this schedule outlines out the ten bodies and persons that are prescribed for the purposes of section 4.

These bodies and persons prescribed are as follows:

- item [1] retains the Australian Red Cross Society as table item 1 of Section 1 in Schedule 1;
- item [2] retains the Royal Society for the Prevention of Cruelty to Animals Australia as table item 2 of Section 1 in Schedule 1;
- item [3] retains the Royal Society for the Prevention of Cruelty to Animals New South Wales as table item 3 of Section 1 in Schedule 1;
- item [4] retains the Royal Society for the Prevention of Cruelty to Animals Victoria as table item 4 of Section 1 in Schedule 1;
- item [5] retains the Royal Society for the Prevention of Cruelty to Animals Queensland as table item 5 of Section 1 in Schedule 1;
- item [6] retains the Royal Society for the Prevention of Cruelty to Animals Western Australia as table item 6 of Section 1 in Schedule 1;
- item [7] retains the Royal Society for the Prevention of Cruelty to Animals South Australia as table item 7 of Section 1 in Schedule 1;
- item [8] retains the Royal Society for the Prevention of Cruelty to Animals Tasmania as table item 8 of Section 1 in Schedule 1;
- item [9] retains the Royal Society for the Prevention of Cruelty to Animals Australian Capital Territory as table item 9 of Section 1 in Schedule 1; and
- item [10] retains the Royal Society for the Prevention of Cruelty to Animals Darwin Regional Branch as table item 10 of Section 1 in Schedule 1.

The list of ten permitted bodies and persons that IBP information can be disclosed to remains operationally relevant. The Australian Red Cross Society, as humanitarian observers, monitor conditions within immigration facilities and disclosure continues to be necessary to facilitate this arrangement. The Australian Red Cross Society also supports the health and wellbeing of vulnerable migrants, including by providing migrant and refugee settlement services, and a service to trace family members and re-establish contact with their relatives.

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) has member societies in each State & Territory within Australia, as well as the national office, RSPCA Australia. Their work includes investigating animal cruelty complaints, as well as issues regarding animal trade. For this reason, disclosure remains relevant to these bodies.

## Schedule 2—Permitted purposes

The table in this schedule outlines six permitted purposes that are prescribed for the purposes of section 5.

Items [1]-[2] of the table retain the existing permitted purposes as:

- (1) a purpose relating to assisting in the detection or identification of persons who may pose a possible risk to Australia or a foreign country;
- (2) a purpose relating to the investigation or assisting in the investigation of potential misconduct or a potential integrity issue.

Retaining items (1) and (2) ensures that the Department can continue to disclose IBP information to the permitted bodies and persons, for the permitted purposes outlined in the Rule, as they remain operationally relevant.

Item [3] to [6] of the table in the schedule prescribes additional permitted purposes of disclosure of IBP information. This ensures that the Department can meet operational needs and clarify the permitted disclosure of IBP information.

Items [3] to [6] insert four new permitted purposes as follows:

- (3) a purpose relating to matters covered by the *Australian Trade and Investment Commission Act 1985*;
- (4) a purpose relating to trade and supply chain regulation and relating to the mapping and understanding of risks to supply chains that are critical to the national interest;
- (5) a purpose relating to matters covered under the *Export Control Act 2020*, *Illegal Logging Prohibition Act 2012*, and *Imported Food Control Act 1992*;
- (6) a purpose relating to matters covered under the *Environment Protection and Biodiversity Conservation Act 1999*, *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, *Product Emissions Standards Act 2017* and *Recycling and Waste Reduction Act 2020*.

*Matters covered by the Australian Trade and Investment Commission Act 1985.*

The inclusion of purposes related to the Austrade Act is considered necessary to fulfil their functions and to address data sharing challenges. This includes the provision of Integrated Cargo System (ICS) data to Austrade, in order to enable them to carry out legislated responsibilities pursuant to the Austrade Act. The effect of this amendment is to balance the needs of partner agencies in seeking to deliver Government initiatives, particularly facilitating and encouraging trade and investment between Australia and foreign countries, with the expectations of industry and the community around the ethical and responsible management of data. The addition of this purpose was suggested following consultation with Austrade

### *Mapping and understanding of risks to supply chains that are critical to the national interest*

The inclusion of this purposes allows for the disclosure of IBP information in matters relating to trade and supply chain regulation. This is intended to support operational requirements and minimise operational barriers in the Australian Border Force.

### *Matters relating to export control, illegal logging and imported food control*

Inclusion of this purpose assists the Government in disrupting the trafficking of regulated commodities and detect the manipulation of border systems and controls. This is intended to protect the nation's food supply, agricultural industries, market access and the environment. It will also assist in the identification and mitigation of vulnerabilities in border security arising from changes in international markets, supply chains, policies and legislation as well as identifying behavioural and system indicators of non-compliance in the movement of goods and conveyances into and out of Australia.

### *Environmental Protection and Biodiversity Conservation, Ozone Protection, Product Emissions, and Recycling*

The inclusion of this purpose supports the Australian Government in safeguarding the environment, protecting the ozone layer, mitigating the impacts of global warming and encourage investment in Australia's circular economy, which will in turn assist Australia to meet international obligations.

The effect of this additional purpose is intended to disrupt the illegal trade of regulated wildlife, hazardous gases, waste, and other harmful products that threaten both the environment and human health. It focuses on detecting and preventing the misuse of border systems and controls, addressing vulnerabilities in border security created by shifts in demand, supply chains, policies, and legislation. Furthermore, the approach is intended to identify behavioural and systemic indicators of non-compliance in the movement of goods and conveyances to and from Australia.

These proposed additional permitted purposes to the Rule will ensure disclosure of IBP information that is also personal information can be disclosed under s 44 and s 45 of the Act when it is necessary for one or more of the permitted purposes. This will support greater operational effectiveness for the Australian Border Force and minimise operational barriers.

### Schedule 3—Repeals

The schedule provides that the whole of the *Australian Border Force (Secrecy and Disclosure) Rule 2015* is repealed.

**Statement of Compatibility with Human Rights**

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

***Australian Border Force (Secrecy and Disclosure) Rule 2025***

This Disallowable 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 Disallowable Legislative Instrument**

The *Australian Border Force (Secrecy and Disclosure) Rule 2015* (the 2015 Rule) is anticipated to sunset on 1 October 2025, meaning it will be automatically repealed by the operation of subsection 50(1) of the *Legislation Act 2003* and cease to be in force.

Section 44 of the *Australian Border Force Act 2015* (the ABF Act) outlines the circumstances in which an entrusted person may disclose *immigration and border protection information* (IBP information) to a person or body. In addition to the persons and bodies listed in subsection 44(4) of the ABF Act, paragraph 44(4)(f) provides that another person or body may be prescribed by the rules.

Section 45 of the ABF Act outlines the circumstances in which IBP information may be disclosed to a foreign country, agency or authority of a foreign country or a public international organisation.

Sections 44 and 45 of the ABF Act require, amongst other things, that the Secretary is satisfied that the disclosure of any IBP information that is also personal information is necessary for a purpose mentioned in section 46 of the ABF Act. In addition to the purposes listed in that section, subsection 46(o) allows for other purposes to be prescribed by the rules.

The purpose of this Disallowable Legislative Instrument, the *Australian Border Force (Secrecy and Disclosure) Rule 2025* (the 2025 Rule), is to remake the 2015 Rule and prescribe:

- bodies and persons for the purposes of paragraph 44(4)(f) of the ABF Act, being the Australian Red Cross Society, the Royal Society for the Prevention of Cruelty to Animals' national office and its member societies in each State and Territory within Australia;
- permitted purposes under subsection 46(o) of the ABF Act, to include a purpose relating to:

- assisting in the detection or identification of persons who may pose a possible risk to Australia or a foreign country;
- assisting in the investigation of potential misconduct or a potential integrity issue.
- additional permitted purposes under subsection 46(o) of the ABF Act, that were not included in the 2015 Rule, are to include a purpose relating to:
  - the *Australian Trade and Investment Commission Act 1975* (Austrade Act);
  - international trade and supply chain regulation and relating to the mapping and understanding of risks to supply chains that are critical to the national interest;
  - matters covered under the *Export Control Act 2020*, *Illegal Logging Prohibition Act 2012*, and *Imported Food Control Act 1992*;
  - matters covered under the *Environment Protection and Biodiversity Conservation Act 1999*, *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, *Product Emissions Standards Act 2017* and *Recycling and Waste Reduction Act 2020*.

These additional permitted purposes are being included as a result of broad consultation across Government.

The 2025 Rule commences on the day after registration on the Federal Register of Legislation.

## **Human rights implications**

This Disallowable Legislative Instrument, the 2025 Rule, engages the following right:

- Right to privacy in Article 17 of the International Covenant on Civil and Political Rights (ICCPR).

### *Right to Privacy*

Article 17 of the ICCPR provides that no one shall be subjected to arbitrary or unlawful interference with their privacy.

Interferences with privacy may be permissible, provided that the interference is authorised by law and is not arbitrary. For an interference with the right to privacy to be not arbitrary, the interference must be for a reason consistent with the provisions, aims and objectives of the ICCPR and be reasonable in the particular circumstances. The United Nations Human Rights Committee has interpreted ‘reasonableness’ in this context to mean that ‘any interference with privacy must be proportional to the end sought and be necessary in the circumstances of

any given case'.<sup>1</sup> The term unlawful means that no interference can take place except as authorised under domestic law.

The right to privacy is engaged by this Disallowable Legislative Instrument as it prescribes certain bodies to which, and certain purposes for which, personal information may be disclosed under the ABF Act.

In the ABF Act, 'personal information' has the same meaning as in the *Privacy Act 1988* (the Privacy Act), which is defined as:

information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

The Privacy Act is the principal piece of Commonwealth legislation protecting the handling of individuals' personal information. This includes the collection, use, storage and disclosure of personal information in the federal public sector. The Privacy Act allows for the use and disclosure of personal information where it is required or authorised under other Australian laws.

The Disallowable Legislative Instrument does not alter the requirements for the disclosure of IBP information (including IBP information that contains personal information) under sections 44 or section 45 of the ABF Act. Disclosures under the ABF Act can only occur if the legal requirements in the relevant provisions have been satisfied.

As noted in the Overview, the requirements under section 44 of the ABF Act include (in part) that the Secretary is satisfied that the information will enable or assist that body or person to perform or exercise their functions, duties or powers. The requirements in section 45 of the ABF Act include (in part) that the Secretary of the Department of Home Affairs (the Secretary) is satisfied that the information will be used in accordance with the agreement in force between the Commonwealth (or an agency or authority of the Commonwealth) and a foreign country, or an agency, authority of a foreign country or a public international organisation. The Secretary may under subsection 45(5) of the ABF Act, by writing, impose conditions to be complied with by a foreign country, an agency or authority of a foreign country or a public international organisation in relation to IBP information.

Importantly, a requirement common to both section 44 and section 45 of the ABF Act is that the Secretary is satisfied that the disclosure of personal information is necessary for a permitted purpose mentioned in section 46 of the ABF Act.

In addition, section 51 of the Act sets out the interaction of the Act with the Privacy Act, and relevantly provides that the disclosure, in accordance with sections 44 and 45 of the ABF

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<sup>1</sup> *Toonen v Australia*, Communication No. 488/1992, para. 8.3. See also communications Nos. 903/1999, para 7.3, and 1482/2006, paras. 10.1 and 10.2.

Act, is taken to be a disclosure that is authorised by the Privacy Act, and therefore lawfully disclosed for the purposes of the Privacy Act as well.

The prescription of bodies and persons for the purpose paragraph 44(4)(f) of the ABF Act and the prescription of permitted purposes (including the additional permitted purposes) for the purpose of subsection 46(o) of the ABF Act by this Disallowable Legislative Instrument does not alter these requirements for lawful disclosure of information under the ABF Act, which help ensure that information disclosure is lawful, reasonable, necessary and proportionate.

Information disclosure under the ABF Act to the persons and bodies prescribed by the 2025 Rule, and for the permitted purposes prescribed by the 2025 Rule, would be lawful and not arbitrary both in relation to the matters being prescribed in the 2025 Rule that had been in the 2015 Rule and in relation to those matters which are being prescribed for the first time in the 2025 Rule, being the four additional permitted purposes. These are described in more detail below.

#### Prescription of bodies and persons in the same terms as the 2015 Rule

The persons and bodies prescribed by the 2025 Rule for the purposes of paragraph 44(4)(f) of the ABF Act (also prescribed in the 2015 Rule) are the Australian Red Cross Society, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) national office, RSPCA Australia, and the RSPCA's member societies in each State and Territory within Australia.

The Australian Red Cross Society, as humanitarian observers, monitor conditions within immigration facilities and provide assistance to those in detention. The Australian Red Cross Society also supports the health and wellbeing of vulnerable migrants, including by providing migrant and refugee settlement services, and a service to trace family members and re-establish contact with their relatives. Information disclosure to the Australian Red Cross Society of relevant IBP information that may contain personal information continues to be necessary to facilitate the performance of each of these functions.

The work of the RSPCA includes investigating animal cruelty complaints, as well as issues regarding animal welfare in the trade industry. Information disclosure to the RSPCA of relevant IBP information that may contain personal information continues to be necessary to facilitate RSPCA's work.

#### Prescription of permitted purposes in the same terms as the 2015 Rule

The ability to disclose IBP information for the purposes which were also included in the 2015 Rule will continue to be used in the identification of individuals who may pose a risk to Australia or a foreign country, and for assisting in the investigation of potential misconduct or integrity.

The Department undertakes its role of protecting Australia's borders in collaboration with partner agencies responsible for national security and related matters and as such may need to disclose IBP information that contains personal information to these agencies for the purposes of the powers, duties and functions of these partner agencies insofar as they relate to identifying individuals who may pose a risk to Australia or to a foreign country. Including this permitted purpose in the 2025 Rule is necessary to continue to enable effective disclosure under section 44 and section 45 of the ABF Act of IBP information that may contain personal information for these legitimate purposes.

Integrity and the detection and prevention of misconduct promotes good governance and public administration in Australia. The disclosure of IBP information for the purpose of investigating potential misconduct or integrity contributes to the timely detection and investigation of such concerns. Including this permitted purpose in the 2025 Rule is necessary to continue to enable effective disclosure under section 44 and section 45 of the ABF Act of IBP information that may contain personal information for these legitimate purposes.

Additional purpose relating to the *Australian Trade and Investment Commission Act 1985* (Austrade Act)

Disclosure of IBP information for a permitted purpose relating to the *Australian Trade and Investment Commission Act 1985* is necessary to enable Austrade to effectively fulfil its functions, particularly delivering quality trade and investment services to businesses and policy advice to government to grow Australia's prosperity.

This disclosure will include the provision of Integrated Cargo System (ICS) data to Austrade, in order to enable Austrade to carry out legislated responsibilities pursuant to the *Australian Trade and Investment Commission Act 1985*. The addition of the permitted purpose for matters relating to the *Australian Trade and Investment Commission Act 1985* assists in meeting the expectations of industry and the community in relation to the ethical and responsible management of data, including data that contains personal information.

To the extent that the measure may interfere with the right to privacy, the limitation of the right to privacy for this purpose is reasonable, necessary and proportionate. The incursion on privacy is limited to trade data and will serve to enhance the prosperity of Australia and Australian businesses.

Additional purpose relating to international trade and supply chain regulation and relating to the mapping and understanding of risks to supply chains that are critical to the national interest

The inclusion of 'matters related to international trade and supply chain regulation and mapping and understanding of risks to supply chains that are critical to the national interest' is necessary for ensuring access to essential goods and services and enhancing Australia's resilience to global shocks.

The inclusion will primarily enable the Department of Home Affairs to share data collected in the Integrated Cargo System (ICS) with other Government entities. The ICS is used by the Department of Home Affairs' operational arm, the Australian Border Force, to manage the import and export of goods into and out of Australia.

To the extent that the measure may interfere with the right to privacy, the limitation of the right to privacy for this purpose is reasonable, necessary and proportionate. The incursion on privacy is limited to trade data. The provision of trade data will help identify critical supply chain vulnerabilities that could impact Australia's national interest including our: health, safety or wellbeing; economic stability and viability; national security; and international partners. This provides Australia ongoing access to critical goods including personal protective equipment, critical pharmaceuticals, agricultural, veterinary and industrial chemicals, critical minerals, semiconductors, telecommunications equipment, water treatment chemicals and critical plastics.

Additional purpose relating to matters covered under the *Export Control Act 2020, Illegal Logging Prohibition Act 2012, and Imported Food Control Act 1992*

Disclosure of IBP information for a purpose relating to the *Export Control Act 2020, Illegal Logging Prohibition Act 2012, and Imported Food Control Act 1992* is intended to assist with export control, preventing illegal logging and imported food control.

This additional purpose will assist the Australian Government to disrupt the trafficking of regulated commodities and detect the manipulation of border systems and controls. This in turn will protect the nation's food supply, agricultural industries, market access and the environment. It will also assist in the identification and mitigation of vulnerabilities in border security arising from changes in international markets, supply chains, policies and legislation as well as identifying behavioural and system indicators of non-compliance in the movement of goods and conveyances into and out of Australia.

To the extent that the measure may interfere with the right to privacy, the limitation for this additional purpose is reasonable and proportionate because it ensures the integrity of supply chains and Australia's food supply, agricultural industries, market access and the environment, and provides for the provision of information for the explicit purpose of executing requirements under the legislation included in this particular measure.

The ICS export data (which could include personal information of sole operators or natural persons associated with an organisation in the company name) assists in the prevention of crime and detection and analysis of criminal conduct with respect to goods subject to prohibition on export, non-compliance with conditions relating to export, the trade of illegal products and managing compliance with Australian food standards and the requirements of public health and safety. The 2018 Senate Inquiry on the Implication of Climate Change for Australia's National Security acknowledged the importance of agriculture in maintaining national security, as a reduction in the supply of agricultural products may threaten

Australia's food security, increase commodity prices, create social and political unrest, inflation, and eventually an economic slowdown and regional instability. Similarly, criminal acts that breach export legislation have the potential to cause both environmental harm to the importing country, as well as potentially serious financial damage to Australian industries if non-compliance result in market closures. It is in the national interest to identify and act on breaches of export controls in an efficient and expedient manner, and the disclosure of relevant IBP information is necessary to assist with this identification and enforcement of breaches of export controls.

Additional purpose relating to matters covered under the *Environment Protection and Biodiversity Conservation Act 1999*, *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, *Product Emissions Standards Act 2017* and *Recycling and Waste Reduction Act 2020*

The objective of this additional purpose is to environmental protection and biodiversity conservation, ozone protection, product emissions and recycling. This proposed measure would support the Australian Government in safeguarding the environment, protecting the ozone layer, mitigating the impacts of global warming and encourage investment in Australia's circular economy, which will in turn assist Australia to meet our international obligations. The disclosure of IBP information for this purpose will help to disrupt the illegal trade of regulated wildlife, hazardous gases, waste, and other harmful products that threaten both the environment and human health. It will also assist with detecting and preventing the misuse of border systems and controls, addressing vulnerabilities in border security created by shifts in demand, supply chains, policies, and legislation. Furthermore, the disclosure of IBP information for this purposes will identify behavioural and systemic indicators of non-compliance in the movement of goods and conveyances to and from Australia.

The limitation of the right to privacy for this purpose is necessary for protecting the environment, disrupting illegal activity that threatens environmental and human health and preventing the misuse of and non-compliance with border system and controls. The limitation is reasonable and proportionate because it allows for the provision of information that would assist in ensuring the integrity of the Australian border system and inform law enforcement efforts relating to protection of environmental and human health, the regulated import and export of wildlife, national fuel quality, for explicit purposes of the legislation included in this measure.

## **Conclusion**

This disallowable legislative instrument is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

**The Hon Tony Burke MP  
Minister for Home Affairs**



LIN 25/001

## **Migration (Access to Movement Records) Instrument 2025**

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I, Belinda Conn, delegate of the Minister, make the following instrument.

Dated 10 September 2025

Belinda Conn  
Commander  
Border Capability Delivery Branch  
Australian Border Force

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<i>Migration (Access to Movement Records) Instrument (LIN 23/015) 2023</i>	<i>0</i>

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## 1 Name

This instrument is the *Migration (Access to Movement Records) Instrument 2025*.

## 2 Commencement

This instrument commences **on the day after it is registered.**

## 3 Authority

This instrument is made under the following provisions of the *Migration Regulations 1994*:

- (a) subregulation 3.10A(1);
- (b) subregulation 3.10A(2).

## 4 Definitions

- (1) In this instrument:

*Act* means the *Migration Act 1958*.

*Regulations* means the *Migration Regulations 1994*.

*security vetting* includes pre-employment screening and ongoing assessment of the eligibility and suitability of a person to be employed by an agency.

- (2) In this instrument, an APS level in the following table is an abbreviation of the approved classification of an APS employee under the *Public Service Classification Rules 2000*.

APS level	Approved classification
APS 1	APS Level 1
APS 2	APS Level 2
APS 3	APS Level 3
APS 4	APS Level 4
APS 5	APS Level 5
APS 6	APS Level 6
EL 1	Executive Level 1
EL 2	Executive Level 2
SES 1	Senior Executive Service Band 1
SES 2	Senior Executive Service Band 2

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## 5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 6 Commonwealth, State or Territory legislation

For subregulation 3.10A(1) of the Regulations, the Commonwealth, State or Territory legislation mentioned in Schedule 1 is specified.

Note The Minister may 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—see subparagraph 488(2)(a)(vii) of the Act.

## 7 **Agencies, employees and purposes**

For paragraphs 3.10A(2)(a), (b) and (c) of the Regulations:

- (a) each agency of the Commonwealth, a State or a Territory mentioned in an item of the table in Schedule 2 is specified; and
- (b) each employee of an agency mentioned in an item of the table in Schedule 2 is specified for the agency mentioned in that item; and
- (c) each purpose mentioned in an item of the table in Schedule 2 is specified for the agency mentioned in that item.

Note The Minister may authorise a prescribed employee of a prescribed agency of the Commonwealth or of a State or Territory to perform one or more actions otherwise prohibited under subsection 488(1) of the Act—see paragraph 488(2)(g) of the Act.

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## Schedule 1—Commonwealth, State or Territory legislation

(section 6)

Item	Specified legislation
1	<i>Administrative Review Tribunal 2024</i> (Cth)
2	<i>Aged Care Act 1997</i> (Cth)
3	<i>Adoption Act 2000</i> (NSW)
4	<i>Adoption Regulations 2015</i> (NSW)
5	<i>A New Tax System (Australian Business Number) Act 1999</i> (Cth)
6	<i>A New Tax System (Family Assistance) Act 1999</i> (Cth)
7	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth)
8	<i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth)
9	<i>A New Tax System (Luxury Car Tax) Act 1999</i> (Cth)
10	<i>A New Tax System (Wine Equalisation Tax) Act 1999</i> (Cth)
11	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth)
12	<i>Archives Act 1983</i> (Cth)
13	<i>AusCheck Act 2007</i> (Cth)
14	<i>AusCheck Regulations 2017</i> (Cth)
15	<i>Australian Border Force Act 2015</i> (Cth)
16	<i>Australian Bureau of Statistics Act 1975</i> (Cth)
17	<i>Australian Citizenship Act 2007</i> (Cth)
18	<i>Australian Crime Commission Act 2002</i> (Cth)
19	<i>Australian Federal Police Act 1979</i> (Cth)
20	<i>Australian Hearing Services Act 1991</i> (Cth)
21	<i>Australian Human Rights Commission Act 1986</i> (Cth)
22	<i>Australian Institute of Health and Welfare Act 1987</i> (Cth)
23	<i>Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018</i> (Cth)
24	<i>Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997</i> (Cth)
25	<i>Australian Passports Act 2005</i> (Cth)
26	<i>Australian Securities and Investments Commission Act 2001</i> (Cth)
27	<i>Australian Security Intelligence Organisation Act 1979</i> (Cth)
28	<i>Aviation Transport Security Act 2004</i> (Cth)
29	<i>Aviation Transport Security Regulations 2005</i> (Cth)
30	<i>Back to Work Act 2015</i> (Vic)
31	<i>Bail Act 1977</i> (Vic)
32	<i>Bail Act 1982</i> (WA)

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<b>Item</b>	<b>Specified legislation</b>
33	<i>Bankruptcy Act 1966</i> (Cth)
34	<i>Bankruptcy Regulations 2021</i> (Cth)
35	<i>Betting Tax Act 2001</i> (NSW)
36	<i>Biosecurity Act 2015</i> (Cth)
37	<i>Biosecurity Charges Imposition (Customs) Act 2015</i> (Cth)
38	<i>Biosecurity Charges Imposition (Excise) Act 2015</i> (Cth)
39	<i>Biosecurity Charges Imposition (General) Act 2015</i> (Cth)
40	<i>Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015</i> (Cth)
41	<i>Building Boost Grant Act 2011</i> (Qld)
42	<i>Building Services (Complaint Resolution and Administration) Act 2011</i> (WA)
43	<i>Building Services (Registration) Act 2011</i> (WA)
44	<i>Business Names Registration Act 2011</i> (Cth)
45	<i>Business Names Registration (Transitional and Consequential Provisions) Act 2011</i> (Cth)
46	<i>Care and Protection of Children Act 2007</i> (NT)
47	<i>Census and Statistics Act 1905</i> (Cth)
48	<i>Children and Young People (Safety) Act 2017</i> (SA)
49	<i>Child Care Act 1972</i> (Cth)
50	<i>Child Protection Act 1999</i> (Qld)
51	<i>Children and Community Services Act 2004</i> (WA)
52	<i>Children and Young People Act 2008</i> (ACT)
53	<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)
54	<i>Children and Young Persons (Care and Protection) Regulation 2022</i> (NSW)
55	<i>Children, Young Persons and Their Families Act 1997</i> (Tas)
56	<i>Child Support (Assessment) Act 1989</i> (Cth)
57	<i>Child Support Legislation Amendment (Reform of the Child Support Scheme – New Formula and Other Measures) Act 2006</i> (Cth)
58	<i>Child Support (Registration and Collection) Act 1988</i> (Cth)
59	<i>Children, Youth and Families Act 2005</i> (Vic)
60	<i>Civil Aviation Act 1988</i> (Cth)
61	<i>Civil Aviation Regulations 1988</i> (Cth)
62	<i>Civil Aviation Safety Regulations 1998</i> (Cth)
63	<i>Commonwealth Electoral Act 1918</i> (Cth)
64	<i>Competition and Consumer Act 2010</i> (Cth)
65	<i>Confiscation Act 1997</i> (Vic)

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<b>Item</b>	<b>Specified legislation</b>
66	<i>Confiscation of Criminal Assets Act 2003</i> (ACT)
67	<i>Confiscation of Proceeds of Crime Act 1989</i> (NSW)
68	<i>Coroners Act 1993</i> (NT)
69	<i>Coroners Act 1995</i> (Tas)
70	<i>Coroners Act 1996</i> (WA)
71	<i>Coroners Act 1997</i> (ACT)
72	<i>Coroners Act 2003</i> (Qld)
73	<i>Coroners Act 2003</i> (SA)
74	<i>Coroners Act 2008</i> (Vic)
75	<i>Coroners Act 2009</i> (NSW)
76	<i>Corporations Act 2001</i> (Cth)
77	<i>Corrections Act 1986</i> (Vic)
78	<i>County Court Act 1958</i> (Vic)
79	<i>County Court Civil Procedure Rules 2018</i> (Vic)
80	<i>Crimes Act 1900</i> (ACT)
81	<i>Crimes Act 1900</i> (NSW)
82	<i>Crimes Act 1914</i> (Cth)
83	<i>Crimes Act 1958</i> (Vic)
84	<i>Confiscation Act 1997</i> (Vic)
85	<i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)
86	<i>Crimes (Sentencing Procedure) Act 1999</i> (NSW)
87	<i>Criminal Code Act 1899</i> (Qld)
88	<i>Criminal Code Act 1924</i> (Tas)
89	<i>Criminal Code Act 1983</i> (NT)
90	<i>Criminal Code Act 1995</i> (Cth)
91	<i>Criminal Code Act Compilation Act 1913</i> (WA)
92	<i>Criminal Investigation Act 2006</i> (WA)
93	<i>Criminal Law Consolidation Act 1935</i> (SA)
94	<i>Criminal Property Confiscation Act 2000</i> (WA)
95	<i>Criminal Property Forfeiture Act 2002</i> (NT)
96	<i>Dental Benefits Act 2008</i> (Cth)
97	<i>Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Act 2023</i> (Cth)
98	<i>Domestic and Family Violence Act 2007</i> (NT)
99	<i>Domestic and Family Violence Protection Act 2012</i> (Qld)

<b>Item</b>	<b>Specified legislation</b>
100	<i>Drugs Misuse Act 1986</i> (Qld)
101	<i>Drug Misuse and Trafficking Act 1985</i> (NSW)
102	<i>Drugs, Poisons and Controlled Substances Act 1981</i> (Vic)
103	<i>Duties Act 1997</i> (NSW)
104	<i>Duties Act 2000</i> (Vic)
105	<i>Duties Act 2001</i> (Tas)
106	<i>Duties Act 2008</i> (WA)
107	<i>Education Act 1990</i> (NSW)
108	<i>Education Services for Overseas Students Act 2000</i> (Cth)
109	<i>Emergency Services Levy Act 2017</i> (NSW)
110	<i>Evidence Act 1995</i> (Cth)
111	<i>Excise Tariff Act 1921</i> (Cth)
112	<i>Expiation of Offences Act 1996</i> (SA)
113	<i>Export Control Act 2020</i> (Cth)
114	<i>Extradition Act 1988</i> (Cth)
115	<i>Fair Trading Act 1987</i> (NSW)
116	<i>Fair Trading Act 2010</i> (WA)
117	<i>Fair Work Act 2009</i> (Cth)
118	<i>Family Court Act 1997</i> (WA)
119	<i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth)
120	<i>Family Law (Child Protection Convention) Regulations 2003</i> (Cth)
121	<i>Family Law Regulations 1984</i> (Cth)
122	<i>Family Violence Act 2004</i> (Tas)
123	<i>Family Violence Act 2016</i> (ACT)
124	<i>Family Violence Protection Act 2008</i> (Vic)
125	<i>Farm Household Support Act 2014</i> (Cth)
126	<i>Financial Transaction Reports Amendment (Transitional Arrangements) Act 2008</i> (Cth)
127	<i>Fines Act 1996</i> (NSW)
128	<i>Fines Reform Act 2014</i> (Vic)
129	<i>Fire Services Property Levy Act 2012</i> (Vic)
130	<i>Firearms Act 1996</i> (Vic)
131	<i>First Home and Housing Construction Grants Act 2000</i> (SA)
132	<i>First Home Owner Grant Act 2000</i> (ACT)
133	<i>First Home Owner Grant Act 2000</i> (NT)
134	<i>First Home Owner Grant and Other Home Owner Grants Act 2000</i> (Qld)

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<b>Item</b>	<b>Specified legislation</b>
135	<i>First Home Owner Grant Act 2000</i> (Tas)
136	<i>First Home Owner Grant and Home Buyer Schemes Act 2000</i> (Vic)
137	<i>First Home Owner Grant Act 2000</i> (WA)
138	<i>First Home Owner Grant and Shared Equity Act 2000</i> (NSW)
139	<i>Fringe Benefits Tax Assessment Act 1986</i> (Cth)
140	<i>Fuel Tax Act 2006</i> (Cth)
141	<i>Health Administration Act 1982</i> (NSW)
142	<i>Health and Other Services (Compensation) Act 1995</i> (Cth)
143	<i>Health Care Complaints Act 1993</i> (NSW)
144	<i>Health Insurance Act 1973</i> (Cth)
145	<i>Health Insurance Levies Act 1982</i> (NSW)
146	<i>Health Ombudsman Act 2013</i> (Qld)
147	<i>Health Practitioner Regulation (Adoption of National Law) Act 2009</i> (NSW)
148	<i>Health Practitioner Regulation National Law Act 2009</i> (Qld)
149	<i>Higher Education Support Act 2003</i> (Cth)
150	<i>Human Services (Medicare) Act 1973</i> (Cth)
151	<i>Illegal Logging Prohibition Act 2012</i> (Cth)
152	<i>Immigration (Education) Act 1971</i> (Cth)
153	<i>Immigration (Education) Regulations 2018</i> (Cth)
154	<i>Immigration (Guardianship of Children) Act 1946</i> (Cth)
155	<i>Immigration (Guardianship of Children) Regulations 2018</i> (Cth)
156	<i>Imported Food Control Act 1992</i> (Cth)
157	<i>Income Tax Assessment Act 1936</i> (Cth)
158	<i>Income Tax Assessment Act 1997</i> (Cth)
159	<i>Industrial Relations Act 1979</i> (WA)
160	<i>Information Act 2002</i> (NT)
161	<i>Infringements Act 2006</i> (Vic)
162	<i>Insurance Contracts Act 1984</i> (Cth)
163	<i>Intelligence Services Act 2001</i> (Cth)
164	<i>International Criminal Court Act 2002</i> (Cth)
165	<i>International Transfer of Prisoners Act 1997</i> (Cth)
166	<i>International War Crimes Tribunal Act 1995</i> (Cth)
167	<i>Land Tax Act 1956</i> (NSW)
168	<i>Land Tax Act 2000</i> (Tas)
169	<i>Land Tax Act 2005</i> (Vic)

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<b>Item</b>	<b>Specified legislation</b>
170	<i>Land Tax Act 2010</i> (Qld)
171	<i>Land Tax Assessment Act 2002</i> (WA)
172	<i>Land Tax Management Act 1956</i> (NSW)
173	<i>Life Insurance Act 1995</i> (Cth)
174	<i>Long Service Leave Act 1958</i> (WA)
175	<i>Magistrates' Court Act 1989</i> (Vic)
176	<i>Magistrates' Court General Civil Procedure Rules 2020</i> (Vic)
177	<i>Maritime Transport and Offshore Facilities Security Act 2003</i> (Cth)
178	<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i> (Cth)
179	<i>Medical Indemnity Act 2002</i> (Cth)
180	<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i> (Cth)
181	<i>Migration Regulations 1994</i> (Cth)
182	<i>Minerals Resource Rent Tax Repeal and Other Measures Act 2014</i> (Cth)
183	<i>Minimum Conditions of Employment Act 1993</i> (WA)
184	<i>Misuse of Drugs Act 1981</i> (WA)
185	<i>Mutual Assistance in Criminal Matters Act 1987</i> (Cth)
186	<i>National Consumer Credit Protection Act 2009</i> (Cth)
187	<i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> (Cth)
188	<i>National Disability Insurance Scheme Act 2013</i> (Cth)
189	<i>National Anti-Corruption Commission Act 2022</i> (Cth)
190	<i>National Health Act 1953</i> (Cth)
191	<i>National Health Reform Act 2011</i> (Cth)
192	<i>National Health Security Act 2007</i> (Cth)
193	<i>Oaths Act 1900</i> (NSW)
194	<i>Office of National Intelligence Act 2018</i> (Cth)
195	<i>Ombudsman Act 1976</i> (Cth)
196	<i>Paid Parental Leave Act 2010</i> (Cth)
197	<i>Payroll Tax Act 2007</i> (Vic)
198	<i>Payroll Tax Act 2007</i> (NSW)
199	<i>Payroll Tax Act 2008</i> (Tas)
200	<i>Payroll Tax Act 2009</i> (SA)
201	<i>Pay-roll Tax Assessment Act 2002</i> (WA)
202	<i>Police Powers and Responsibilities Act 2000</i> (Qld)
203	<i>Prisons Act 1981</i> (WA)

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<b>Item</b>	<b>Specified legislation</b>
204	<i>Proceeds of Crime Act 2002</i> (Cth)
205	<i>Product Grants and Benefits Administration Act 2000</i> (Cth)
206	<i>Professional Engineers Act 2002</i> (Qld)
207	<i>Public Health Act 2010</i> (NSW)
208	<i>Public Service Act 1999</i> (Cth)
209	<i>Residential Tenancies Act 1987</i> (WA)
210	<i>Residential Tenancies Act 2010</i> (NSW)
211	<i>Restraining Orders Act 1997</i> (WA)
212	<i>Retirement Savings Accounts Act 1997</i> (Cth)
213	<i>Road Safety Act 1986</i> (Vic)
214	<i>Road Transport Act 2013</i> (NSW)
215	<i>Safety Rehabilitation and Compensation Act 1988</i> (Cth)
216	<i>Sentence Administration Act 2003</i> (WA)
217	<i>Sentencing Act 1991</i> (Vic)
218	<i>Sentencing Act 2017</i> (SA)
219	<i>Sentencing Act 1995</i> (WA)
220	<i>Sheriff Act 2009</i> (Vic)
221	<i>Small Superannuation Accounts Act 1995</i> (Cth)
222	<i>Social Security Act 1991</i> (Cth)
223	<i>Social Security (Administration) Act 1999</i> (Cth)
224	<i>Social Security (International Agreements) Act 1999</i> (Cth)
225	<i>Sport Integrity Australia Act 2020</i> (Cth)
226	<i>Sport Integrity Australia Regulations 2020</i> (Cth)
227	<i>State Debt Recovery Act 2018</i> (NSW)
228	<i>Student Assistance Act 1973</i> (Cth)
229	<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i> (Cth)
230	<i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i> (Cth)
231	<i>Superannuation (Departing Australia Superannuation Payments Tax) Act 2007</i> (Cth)
232	<i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i> (Cth)
233	<i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)
234	<i>Superannuation Industry (Supervision) Act 1993</i> (Cth)
235	<i>Superannuation Industry (Supervision) Regulations 1994</i> (Cth)
236	<i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> (Cth)
237	<i>Supreme Court Act 1986</i> (Vic)

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<b>Item</b>	<b>Specified legislation</b>
238	<i>Tax Agent Services Act 2009</i> (Cth)
239	<i>Taxation Administration Act 1953</i> (Cth)
240	<i>Taxation Administration Act 1996</i> (NSW)
241	<i>Taxation Administration Act 1996</i> (SA)
242	<i>Taxation Administration Act 1997</i> (Tas)
243	<i>Taxation Administration Act 1997</i> (Vic)
244	<i>Taxation Administration Act 1999</i> (ACT)
245	<i>Taxation Administration Act 2001</i> (Qld)
246	<i>Taxation Administration Act 2003</i> (WA)
247	<i>Taxation Administration Act 2007</i> (NT)
248	<i>Terrorism (Community Protection) Act 2003</i> (Vic)
249	<i>Terrorism (High Risk Offenders) Act 2017</i> (NSW)
250	<i>Trade Support Loans Amendment Act 2023</i> (Cth)
251	<i>Treasury Laws Amendment (Fair and Sustainable Superannuation) Act 2016</i> (Cth)
252	<i>Unclaimed Money Act 1995</i> (NSW)
253	<i>Unclaimed Money Act 2008</i> (Vic)
254	<i>Veterans' Entitlements Act 1986</i> (Cth)
255	<i>Water Efficiency Labelling and Standards Act 2005</i> (Cth)
256	<i>Weapons Act 1990</i> (Qld)
257	<i>Weapons Act 1999</i> (WA)
258	<i>Witness Protection Act 1994</i> (Cth)

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## Schedule 2—Agencies, employees and purposes

(section 7)

Item	Agency	Employee	Purpose
1	Administrative Review Tribunal (ART)	APS 3 to EL 2	To assist in the conduct of independent merits review of administrative decisions made by the Minister for Home Affairs, or their delegate, directly related to migration and refugee visas and visa related decisions under the following: (a) <i>Administrative Review Tribunal Act 2024</i> (Cth); (b) <i>Migration Act 1958</i> (Cth)
2	Australian Bureau of Statistics	An APS 6, EL 1 or 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 directly in relation to the performance of statutory functions under the following Acts: (a) <i>Australian Bureau of Statistics Act 1975</i> (Cth); (b) <i>Census and Statistics Act 1905</i> (Cth)
3	Australian Competition and Consumer Commission (ACCC)	An employee in the Data & Intelligence Branch performing statutory duties to investigate and administer compliance under Act mentioned in this item	To perform statutory duties and associated functions directly in relation to the administration of the <i>Competition and Consumer Act 2010</i> (Cth)
4	Australian Criminal Intelligence Commission (ACIC)	An employee of the ACIC who is employed under the <i>Public Service Act 1999</i> (Cth) and in the course of their employment, perform statutory duties and associated functions under the <i>Australian Crime Commission Act 2002</i> in the following areas within the ACIC: <ul style="list-style-type: none"><li>• Intelligence Operations</li><li>• Covert Collections and Insights</li></ul>	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>Australian Crime Commission Act 2002</i> (Cth); (b) <i>Criminal Code Act 1995</i> (Cth)

Item	Agency	Employee	Purpose
5	Australian Electoral Commission (AEC)	An employee listed below within the Elections Branch who performs functions in relation to the review and processing of electors who appear to have failed to vote at an election under that Act: (a) Assistant Commissioner; (b) Director; (c) Assistant Director; (d) Senior Project Officer; (e) Project Officer	To perform statutory duties and functions directly in relation to the administration of the <i>Commonwealth Electoral Act 1918</i> (Cth)
6	Australian Federal Police (AFP)	Any of the following: (a) an AFP employee (as defined in section 4 of the <i>Australian Federal Police Act 1979</i> (Cth) (the AFP Act) or an AFP appointee who is engaged under section 69A of the AFP Act, who in the course of employment performs statutory duties and associated functions under the AFP Act on behalf of the AFP; (b) an AFP member, an AFP employee (as defined in the AFP Act), or an AFP appointee who is engaged under section 69A of the AFP Act, who in the course of employment is engaged to assist in the conduct of security vetting for Commonwealth, State and Territory agencies	(a) To perform statutory duties and associated functions directly in relation to the administration of the AFP Act; and (b) to assist authorised vetting agencies (including the AFP) to conduct security vetting
7	Australian Government Attorney-General's Department (AGD)	Any of the following: (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;	(a) To consider enquiries directly in relation to: (i) applications by prisoners for international transfer, or applications for international transfer, in accordance with the <i>International Transfer of Prisoners Act 1997</i> (Cth); (ii) extradition or extradition requests from Australia to another country or from another country to Australia;

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		(d) Assistant Secretary, Family Law Branch; (e) EL 2, International Family Law Section; (f) Assistant Director, EL 1, International Family Law Section; (g) Principal Legal Officer, 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	(iii) mutual assistance, or mutual assistance requests; cooperation, or requests for cooperation, directly in relation to the administration of the following Acts: (A) <i>Criminal Code Act 1995</i> (Cth); (B) <i>Extradition Act 1988</i> (Cth); (C) <i>Family Law Act 1975</i> (Cth); (D) <i>Family Law Regulations 1984</i> (Cth); (E) <i>International Criminal Court Act 2002</i> (Cth); (F) <i>International War Crimes Tribunal Act 1995</i> (Cth); (G) <i>Mutual Assistance in Criminal Matters Act 1987</i> (Cth); or (b) to undertake work directly in relation 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); or (c) to perform duties and functions directly in relation to 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
8	Australian Institute of Health and Welfare (AIHW)	An employee of AIHW who interrogate and validate statistical data to produce evidence based statistics and reports on health and welfare matters under:	To perform statutory duties directly in relation to the administration of the following Acts: (a) <i>Australian Institute of Health and Welfare Act 1987</i> (Cth);

<b>Item</b>	<b>Agency</b>	<b>Employee</b>	<b>Purpose</b>
		(a) <i>Australian Institute of Health and Welfare Act 1987</i> (Cth); and (b) <i>Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018</i> (Cth)	(b) <i>Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018</i> (Cth)
9	Australian Secret Intelligence Service (ASIS)	An 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)	An employee of the Intelligence Support Unit	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (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); (q) <i>Foreign Evidence Act 1994</i> (Cth);

Item	Agency	Employee	Purpose
			(r) <i>Insurance Contracts Act 1984</i> (Cth); (s) <i>Life Insurance Act 1995</i> (Cth); (t) <i>Medical Indemnity (Prudential Supervision and Product Standards) Act 2003</i> (Cth); (u) <i>Mutual Assistance in Business Regulation Act 1992</i> (Cth); (v) <i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> (Cth); (w) <i>National Consumer Credit Protection Act 2009</i> (Cth); (x) <i>Proceeds of Crime Act 2002</i> (Cth); (y) <i>Retirement Savings Accounts Act 1997</i> (Cth); (z) <i>Superannuation Industry (Supervision) Act 1993</i> (Cth).
11	Australian Security Intelligence Organisation (ASIO)	An ASIO employee, as defined in section 4 of the <i>Australian Security Intelligence Organisation Act 1979</i> (Cth), 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	(a) To perform statutory duties and associated functions directly in relation to the administration of the <i>Australian Security Intelligence Organisation Act 1979</i> (Cth); and (b) to assist authorised vetting agencies (including ASIO) to conduct security vetting
12	Australian Signals Directorate (ASD)	An employee of ASD with responsibility to perform statutory duties and associated functions on behalf of the ASD	To perform statutory duties and associated functions directly in relation to the administration of the <i>Intelligence Services Act 2001</i> (Cth).
13	Australian Taxation Office (ATO)	An employee of ATO performing duties in the following: (a) Client Engagement Group; (b) Service Delivery Group; (c) Objections and Review Business Line;	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>A New Tax System (Australian Business Number) Act 1999</i> (Cth);

Item	Agency	Employee	Purpose
(d)	Fraud Prevention and International Investigations Business Line		<ul style="list-style-type: none"> <li>(b) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth);</li> <li>(c) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth);</li> <li>(d) <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth);</li> <li>(e) <i>A New Tax System (Luxury Car Tax) Act 1999</i> (Cth);</li> <li>(f) <i>A New Tax System (Wine Equalisation Tax) Act 1999</i> (Cth);</li> <li>(g) <i>Freedom of Information Act 1982</i> (Cth);</li> <li>(h) <i>Fringe Benefits Tax Assessment Act 1986</i> (Cth);</li> <li>(i) <i>Higher Education Support Act 2003</i> (Cth);</li> <li>(j) <i>Income Tax Assessment Act 1936</i> (Cth);</li> <li>(k) <i>Income Tax Assessment Act 1997</i> (Cth);</li> <li>(l) <i>Privacy Act 1988</i> (Cth);</li> <li>(m) <i>Public Governance, Performance and Accountability Act 2013</i> (Cth);</li> <li>(n) <i>Public Service Act 1999</i> (Cth);</li> <li>(o) <i>Retirement Savings Accounts Act 1997</i> (Cth);</li> <li>(p) <i>Social Security Act 1991</i> (Cth);</li> <li>(q) <i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i> (Cth);</li> <li>(r) <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> (Cth);</li> <li>(s) <i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i> (Cth);</li> <li>(t) <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth);</li> <li>(u) <i>Superannuation Industry (Supervision) Act 1993</i> (Cth);</li> </ul>

Item	Agency	Employee	Purpose
			(v) <i>Taxation (Interest on Overpayments and Early Payments) Act 1983 (Cth)</i> ; (w) <i>Taxation Administration Act 1953 (Cth)</i> ; (x) <i>Trade Support Loans Act 2014 (Cth)</i>
14	Australian Transaction Reports and Analysis Centre (AUSTRAC)	An employee of AUSTRAC who performs statutory duties to investigate and administer compliance under legislation AUSTRAC administers	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>Anti-Money Laundering and Counter Terrorism-Financing Act 2006 (Cth)</i> ; (b) <i>Financial Transaction Reports Act 1988 (Cth)</i>
15	Board of Professional Engineers of Queensland	Any employee holding one of the following positions: (a) Principal Legal Officer; (b) Principal Lawyer; (c) Senior Legal Officer; (d) Legal Officer; (e) Principal Investigator; (f) Senior Investigator; (g) Investigator; (h) Investigations Support Officer	To perform statutory duties and associated functions directly in relation to the administration of the <i>Professional Engineers Act 2002 (Qld)</i> .
16	Building Commission NSW	Employees who perform statutory duties and associated functions to investigate and administer compliance under the listed legislation administered by this agency	To perform statutory duties and associated functions directly in relation to administration of the following Acts: (a) <i>Building and Development Certifiers Act 2018 (NSW)</i> ; (b) <i>Design and Building Practitioners Act 2020 (NSW)</i> ; (c) <i>Crimes Act 1900 (Cth)</i> ; (d) <i>Home Building Act 1989 (NSW)</i> ; (e) <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 (NSW)</i> ;

<b>Item</b>	<b>Agency</b>	<b>Employee</b>	<b>Purpose</b>
17	Clean Energy Regulator (CER)	Any of the following: (a) APS 4, APS 5, APS 6, EL 1 or EL 2 in the Intelligence and Assessment Section; (b) APS 5, APS 6, EL 1 or EL 2 in the Compliance and Enforcement Section; (c) SES 1 in the Compliance Branch; (d) SES 2 in the Compliance Branch; (e) SES 2 in the Scheme Support Division	To perform statutory duties and associated functions under the following: (a) <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth); (b) <i>Clean Energy Legislation (Carbon Tax Repeal) Act 2014</i> (Cth); (c) <i>Clean Energy Regulator Act 2011</i> (Cth); (d) <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth); (e) <i>Renewable Energy (Electricity) Act 2000</i> (Cth)
18	Department of Agriculture, Fisheries and Forestry (DAFF)	Any of the following: (a) APS 4, APS 5, APS 6 or EL 1 in the Enforcement Integrity section; (b) APS 4, APS 5, APS 6 or EL 1 in the Governance and Operations Support area	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (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 2020</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)
19	Department of Defence - Australian Government Security Vetting Agency (AGSVA)	An 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.

Item	Agency	Employee	Purpose
20	Department of Defence – Defence Intelligence Organisation (DIO)	An employee of DIO with responsibility to perform statutory duties and associated functions on behalf of the DIO.	To perform statutory duties and associated functions directly in relation to the administration of the <i>Intelligence Services Act 2001</i> (Cth).
21	Department of Education	Any of the following: (a) an employee in the Intelligence Analytics Team; (b) an employee appointed under subsection 219UD(1) of the <i>A New Tax System (Family Assistance Administration) Act 1999</i> (Cth); (c) an employee in the Fraud Investigations Tactical Operations Team; (d) an Employee in the Financial Integrity Branch	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (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); (v) <i>Evidence Act 1995</i> (Cth); (b) to assist criminal investigations of matters relating to fraud within the Family Assistance sector, conspiracies to defraud the Commonwealth and unlawfully dealing in the proceeds of crime
22	Department of Foreign Affairs and Trade (DFAT)	Any of the following: (a) Consular Officers and Case Officers, Canberra; (b) Consular Officers, Passports, London; (c) Consular Officers, Passports, Washington; (d) Director, Passports/Consular, Washington; (e) Passport Case Officers, Passports, Adelaide; (f) Passport Case Officers, Passports, Brisbane; (g) Passport Case Officers, Passports, Canberra; (h) Passport Case Officers, Passports, Darwin; (i) Passport Case Officers, Passports, London; (j) Passport Case Officers, Passports, Melbourne; (k) Passport Case Officers, Passports, Perth; (l) Passport Case Officers, Passports, Sydney; (m) Passport Case Officers, Passports, Hobart;	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (i) <i>Australian Passports Act 2005</i> (Cth); (ii) <i>Foreign Passports (Law Enforcement and Security) Act 2005</i> (Cth); (b) to validate eligibility for COI and CDT travel documents; (c) to assist authorised vetting agencies (including DFAT) to conduct security vetting

Item	Agency	Employee	Purpose
		(n) Fraud Officers, Passports, Brisbane; (o) Fraud Officers, Passports, Canberra; (p) Fraud Officers, Passports, Melbourne; (q) Fraud Officers, Passports, Perth; (r) Fraud Officers, Passports, Sydney; (s) Manager, Passports, Adelaide; (t) Manager, Passports, Brisbane; (u) Manager, Passports, Canberra; (v) Manager, Passports, Darwin; (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) Officers, Consular Emergency Centre (CEC), Canberra; (zd) Officers, Passport Policy and Operations Section (PPOS), Canberra; (ze) Policy Officers, Passports, Canberra; (zf) Protocol Officers, 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	
23	Department of Health, Disability and Ageing	Any of the following: (a) APS 4 to EL 2 in the Benefits Integrity Division;	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts, and to ensure the protection of

Item	Agency	Employee	Purpose
		<ul style="list-style-type: none"> <li>(b) APS 4 to EL 2 in the Fraud and Integrity Branch of the Integrity and Assurance Division;</li> <li>(c) APS 4 to EL 2 in the Health Emergency Management Branch of the Health Security &amp; Emergency Management Division;</li> <li>(d) An officer undertaking functions within the National Incident Centre in the Health Emergency Management Branch of the Health Security &amp; Emergency Management Division.</li> </ul>	<p>public revenue and integrity of Commonwealth payments:</p> <ul style="list-style-type: none"> <li>(i) <i>Health Insurance Act 1973</i> (Cth);</li> <li>(ii) <i>National Health Act 1953</i> (Cth);</li> <li>(iii) <i>Dental Benefits Act 2008</i> (Cth);</li> <li>(iv) <i>Aged Care Act 2024</i> (Cth);</li> <li>(v) <i>Criminal Code Act 1995</i> (Cth);</li> <li>(vi) <i>Evidence Act 1995</i> (Cth);</li> <li>(vii) <i>Crimes Act 1914</i> (Cth);</li> <li>(viii) <i>Public Service Act 1999</i> (Cth);</li> <li>(ix) <i>Australian Hearing Services 1991</i> (Cth)</li> </ul> <ul style="list-style-type: none"> <li>(b) to identify individuals at risk of exposure to public health hazards;</li> <li>(c) to supply contact information to the relevant jurisdiction's health department or ministry under the <i>National Health Security Act 2007</i> (Cth).</li> </ul>
24	Department of Home Affairs	<p>An employee who is responsible for:</p> <ul style="list-style-type: none"> <li>(a) liaising with Asia Pacific Economic Cooperation (APEC);</li> <li>(b) managing integrated management reporting;</li> <li>(c) assisting police with missing persons investigations;</li> <li>(d) assisting DFAT in the provision of movement records for consular functions or activities during international event situations;</li> <li>(e) engaging in conducting security vetting for Commonwealth, State and Territory agencies;</li> <li>(f) disclosing movement records to Commonwealth State and Territory agencies that request such information;</li> </ul>	<p>To perform statutory duties and associated functions directly in relation to the administration of the following:</p> <ul style="list-style-type: none"> <li>(a) to assess an individual's eligibility for the APEC travel card;</li> <li>(b) to manage integrated management reporting;</li> <li>(c) to perform border-related functions;</li> <li>(d) to assist the AFP and State and Territory police forces, with missing persons investigations;</li> <li>(e) to assist with consular enquiries and activities;</li> <li>(f) to assist authorised vetting agencies (including the Department of Home Affairs) to conduct security vetting;</li> <li>(g) to assist in the administration of the Adult Migration English Program in accordance with statutory obligations under the <i>Immigration (Education) Act 1971</i> (Cth);</li> </ul>

Item	Agency	Employee	Purpose
		(g) Legal Officers involved in obtaining movement records for the purposes of Migration Litigation.	(h) to assist the Defence Intelligence Organisation (DIO) in complying with the rules made under section 41C of the <i>Intelligence Services Act 2001</i> (Cth) regarding the communication and retention of intelligence information concerning Australian citizens and permanent residents.
25	Department of Justice and Community Safety, Victoria	Any of the following: An employee of the Department of Justice and Community Safety who: (a) is responsible for performing statutory functions and associated duties for or on behalf of the Sheriff of Victoria or the Director, Fines Victoria; or (b) is responsible for assisting the Department of Justice and Community Safety in its law enforcement functions and activities in relation to fines, warrants and enforcement activities.	(a) To perform statutory duties and associated functions directly in relation to any of the following legislation: (i) <i>Sheriff Act 2009</i> (Vic); (ii) <i>Section 6 of the Fines Reform Act 2014</i> (Vic); (iii) <i>Infringements Act 2006</i> (Vic); (iv) <i>Sentencing Act 1991</i> (Vic); (v) <i>Magistrates' Court Act 1989</i> (Vic); (vi) <i>Supreme Court (General Civil Procedure) Rules 2015</i> (Vic); (vii) <i>County Court Civil Procedure Rules 2018</i> (Vic); (viii) <i>Magistrates' Court General Civil Procedure Rules 2020</i> (Vic)
26	Department of Justice, Western Australia	An employee of the Information Release and Litigation Management area in the Knowledge Management Branch of the Corporate Services Division	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>Bail Act 1982</i> (WA); (b) <i>Prisons Act 1981</i> (WA); (c) <i>Sentencing Act 1995</i> (WA); (d) <i>Sentence Administration Act 2003</i> (WA); (e) <i>Young Offenders Act 1994</i> (WA)
27	Department of Mines, Industry Regulation and Safety Western Australia (DMIRS)	Industrial Inspectors employed in the Private Sector Labour Relations Division of DMIRS who perform statutory duties to investigate and administer compliance under the Acts mentioned in this item	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>Children and Community Services Act 2004</i> (WA);

Item	Agency	Employee	Purpose
			(b) <i>Industrial Relations Act 1979</i> (WA); (c) <i>Long Service Leave Act 1958</i> (WA); (d) <i>Minimum Conditions of Employment Act 1993</i> (WA)
28	Department of Primary Industries and Regional Development NSW	An employee of the Department of Primary Industries and Regional Development performing statutory duties and associated functions on behalf of their agency. This includes: (a) Fisheries Officers, and (b) Intelligence Analysts.	To perform statutory duties and associated functions directly in relation to ensuring compliance and commencing prosecutions against persons found committing offences under the following Acts: <ul style="list-style-type: none"><li>• <i>Fisheries Management Act 1994</i> (NSW)</li><li>• <i>Marine Estate Management Act 2014</i> (NSW)</li></ul>
29	Department of Treasury and Finance, South Australia	Any of the following: (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; (i) Project Officer Civil Debt; (j) Project Officer Stakeholder Engagement.	To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (a) <i>Expiation of Offences Act 1996</i> (SA); (b) <i>Sentencing Act 2017</i> (SA); (c) <i>Fines Enforcement and Debt Recovery Act 2018</i> (SA)
30	Department of Veterans' Affairs (DVA)	APS 4 to EL 2 employees of the DVA who perform statutory duties and associated functions in relation to: (a) Monitoring and ensuring compliance by claimants; (b) Monitoring and enforcing compliance by DVA service providers; (c) Fraud Investigations and criminal prosecution;	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (i) <i>Veterans' Entitlements Act 1986</i> (Cth); (ii) <i>Defence Service Homes Act 1918</i> (Cth); (iii) <i>Military Rehabilitation and Compensation Act 2004</i> (Cth); (iv) <i>Safety Rehabilitation and Compensation Act 1988</i> (Cth); (v) <i>War Graves Act 1980</i> (Cth);

<b>Item</b>	<b>Agency</b>	<b>Employee</b>	<b>Purpose</b>
		(d) Analysts reviewing claims for payment and provider claims; (e) Debt recovery.	(vi) <i>Social Security Act 1991</i> (Cth)
31	Fair Work Ombudsman (FWO)	Employee of the FWO and Fair Work Inspectors appointed under section 700 of the <i>Fair Work Act 2009</i> (Cth)	To perform statutory duties and associated functions under the <i>Fair Work Act 2009</i> (Cth)
32	National Anti-Corruption Commission (NACC)	An employee of the NACC performing statutory duties to investigate and administer compliance under the Act mentioned in this item.	To perform statutory duties and associated functions directly in relation to the administration of the <i>National Anti-Corruption Commission Act 2022</i> (Cth)
33	National Disability Insurance Agency (NDIA)	Any of the following: (a) APS 4 to EL 2 in the Integrity Transformation and Fraud Fusion Taskforce Group; (b) APS 4 to EL 2 in the Service Delivery Group.	To perform statutory duties and associated functions directly in relation to the following purposes: (a) to ensure the integrity of the <i>National Disability Insurance Scheme</i> ; (b) to protect public revenue in the administration of the <i>National Disability Insurance Scheme Act 2013</i> (Cth)
34	National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Quality and Safeguards Commission)	Employees of the NDIS Quality and Safeguards Commission who perform statutory duties and associated functions in relation to roles that are undertaken by the following areas in the agency: (a) APS 4 – EL 2 in the areas responsible for compliance, enforcement, intelligence and investigative functions.	To perform statutory duties and associated functions directly in relation to the administration of the following Act: (a) <i>National Disability Insurance Scheme 2013</i> (Cth), specifically Chapter 6A-NDIS Quality and Safeguards Commission. (b) Compliance and enforcement powers are at Division 8-Compliance and Enforcement and include powers relating to monitoring, investigations, civil penalties, infringement notices, compliance orders, banning orders, revocation of registration, enforceable undertaking and injunctions. These powers are at sections 73ZE to 73ZR of the <i>National Disability Insurance Scheme 2013</i> (Cth) in Division 8.

Item	Agency	Employee	Purpose
35	New South Wales Fair Trading	Employees who perform statutory duties to investigate and ensure compliance under the relevant legislation New South Wales Fair Trading administers.	To assist in the investigation and prosecution of breaches of compliance under the following Acts; (a) <i>Fair Trading Act 1987</i> (NSW); (b) <i>Crimes Act 1900</i> (Cth)
36	New South Wales Police Force (NSW Police Force)	An officer or employee who: (a) has responsibility to perform statutory duties and associated functions on behalf of the NSW Police Force; or (b) is engaged in investigations involving persons who have been reported as missing	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (i) <i>Coroners 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) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) to conduct missing persons investigations
37	Northern Territory Police (NT Police Force)	A member who: (a) has responsibility to perform statutory duties and associated functions on behalf of the NT Police Force; or (b) is engaged in investigations involving persons who have been reported as missing	(a) To perform statutory duties and associated functions directly in relation to the administration of the following Acts: (i) <i>Bail Act 1982</i> (NT); (ii) <i>Coroners Act 1993</i> (NT); (iii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Criminal Code Act 1983</i> (NT); (iv) <i>Firearms Act 1997</i> (NT); (v) <i>Misuse of Drugs Act 1990</i> (NT); (vi) <i>Police (Special Investigative and Other Powers) Act 2015</i> (NT); (vii) <i>Police Administration Act 1978</i> (NT); (viii) <i>Serious Crime Control Act 2009</i> (NT); (ix) <i>Summary Offences Act 1923</i> (NT); (x) <i>Terrorism (Emergency Powers) Act 2003</i> (NT); (xi) <i>Weapons Control Act 2001</i> (NT);

Item	Agency	Employee	Purpose
			(b) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; (c) to conduct missing persons investigations
38	Office of National Intelligence (ONI)	An employee who has responsibility to: (a) perform statutory duties and associated functions on behalf of the ONI; or (b) assist authorised vetting agencies (including ASIO) to conduct security vetting for Commonwealth, State and Territory agencies	(a) To perform statutory duties and associated functions directly in relation to the administration of the <i>Office of National Intelligence Act 2018</i> (Cth); and (b) to assist authorised vetting agencies, including ONI, to conduct security vetting
39	Queensland Revenue Office (QRO)	Any of the following: (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; (f) Administrative Officers and Advisors Level 4 to Senior Officer Level 1 in the Fine Administration and Management area, Strategy and Compliance Group	(a) To investigate false statutory declarations regarding road policing and road safety camera offences; and (b) to perform statutory duties and associated functions for the administration and enforcement of revenue and recognised laws, including residency requirements, directly in relation to the administration of the following Acts: (i) <i>Betting Tax Act 2018</i> (Qld); (ii) <i>Building Boost Grant Act 2011</i> (Qld); (iii) <i>Duties Act 2001</i> (Qld); (iv) <i>First Home Owner Grant and Other Home Owner Grants Act 2000</i> (Qld); (v) <i>Land Tax Act 2010</i> (Qld); (vi) <i>Mineral Resources Act 1989</i> (Qld); (vii) <i>Payroll Tax Act 1971</i> (Qld); (viii) <i>Petroleum Act 1923</i> (Qld); (ix) <i>State Penalties Enforcement Act 1999</i> (Qld); (x) <i>Taxation Administration Act 2001</i> (Qld)
40	Revenue, WA	Any of the following:	To assist in the administration and enforcement of revenue laws (including, but not limited to, data matching, determining residency of persons and

Item	Agency	Employee	Purpose
		<ul style="list-style-type: none"> <li>(a) Level 3 to 7 employee in the Payroll Tax, Duties, Land Tax and First Home Owner Grant Investigation teams;</li> <li>(b) Level 2 to 6 employee in the Analysis and Support and Business Intelligence Solutions teams;</li> <li>(c) Level 8 to Class 1 employee in Compliance and Operations Group 1 Management;</li> <li>(d) Level 3 to 6 employee in the Grants and Subsidies, Recovery, and Land Tax teams</li> </ul>	<p>facilitating the investigation of cases involving the evasion and avoidance of duties, taxes, grants and subsidies) directly in relation to the administration of the following Acts:</p> <ul style="list-style-type: none"> <li>(a) <i>Duties Act 2008</i> (WA);</li> <li>(b) <i>First Home Owner Grant Act 2000</i> (WA);</li> <li>(c) <i>Land Tax Assessment Act 2002</i> (WA);</li> <li>(d) <i>Pay-roll Tax Assessment Act 2002</i> (WA);</li> <li>(e) <i>Taxation Administration Act 2003</i> (WA)</li> </ul>
41	Office of the Health Ombudsman, Queensland	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>(a) Administrative Officer Level 3 to Senior Officer Level 1 in the Investigations Division;</li> <li>(b) Executive Director Investigations in the Investigations Division;</li> <li>(c) Administrative Officer Level 4 to Senior Officer Level 1 in the Monitoring and Compliance Team in the Investigations Division;</li> <li>(d) Administrative Officer Level 4 in the Immediate Action Team;</li> <li>(e) Administrative Officer Level 6 to Senior Officer Level 1 in the Immediate Action Team;</li> <li>(f) Administrative Officer Level 3 and Administrative Officer Level 4 in the Legal Services Division;</li> <li>(g) Professional Officer Level 4 to Professional Officer Level 6 in the Legal Services Division</li> </ul>	To perform statutory duties and associated functions directly in relation to the administration of the <i>Health Ombudsman Act 2013</i> (Qld)
42	Professional Services Review Agency (PSR)	<p>Staff in the Case Management Unit:</p> <ul style="list-style-type: none"> <li>(a) APS 5 Legal Case Manager;</li> <li>(b) APS 6 Legal Case Manager;</li> <li>(c) Executive Level 1 Senior Legal Officer;</li> <li>(d) Executive Level 2 Principal Legal Officer;</li> </ul>	<ul style="list-style-type: none"> <li>(a) To perform statutory duties and associated functions, to ensure the protection of public revenue and the integrity of payments directly in relation to administration of the below Acts: <ul style="list-style-type: none"> <li>(i) <i>Health Insurance Act 1973</i> (Cth);</li> </ul> </li> </ul>

Item	Agency	Employee	Purpose
		(e) Executive Level 2 Special Counsel; (f) SES Band 1 General Counsel; (g) SES Band 1 Executive Officer	(ii) <i>National Health Act 1953</i> (Cth); (iii) <i>Dental Benefits Act 2008</i> (Cth); (b) to ensure the integrity of payments under the Medicare Benefits Scheme, the Dental Benefits Scheme and the Pharmaceutical Benefits Scheme
43	Queensland Police Service	An officer or staff member who: (a) has responsibility to perform statutory duties and associated functions on behalf of the Queensland Police Service; or (b) is engaged in investigations involving persons who have been reported as missing	(a) To perform statutory duties and associated functions directly in relation to administration of the following Acts: (i) <i>Coroners 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) to 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) to conduct missing persons investigations
44	Revenue New South Wales	An employee of Revenue NSW with the responsibility to perform statutory functions and associated duties on behalf of Revenue New South Wales	(a) To verify immigration status and residence status for assessment of eligibility and entitlements directly in relation to the administration of <i>First Home Owner Grant and Shared Equity Act 2000</i> (NSW); (b) to assist in the investigation and determination of liabilities directly in relation to administration of the following Acts: (i) <i>Betting Tax Act 2001</i> (NSW); (ii) <i>Duties Act 1997</i> (NSW); (iii) <i>Emergency Services Levy Act 2017</i> (NSW); (iv) <i>Gaming Machine Tax Act 2001</i> (NSW); (v) <i>Health Insurance Levies Act 1982</i> (NSW); (vi) <i>Land Tax Act 1956</i> (NSW);

Item	Agency	Employee	Purpose
			<ul style="list-style-type: none"> <li>(vii) <i>Land Tax Management Act 1956</i> (NSW);</li> <li>(viii) <i>Mining Act 1992</i> (NSW);</li> <li>(ix) <i>Offshore Minerals Act 1999</i> (NSW);</li> <li>(x) <i>Parking Space Levy Act 2009</i> (NSW);</li> <li>(xi) <i>Payroll Tax Act 2007</i> (NSW);</li> <li>(xii) <i>Petroleum (Offshore) Act 1982</i> (NSW);</li> <li>(xiii) <i>Petroleum (Onshore) Act 1991</i> (NSW);</li> <li>(xiv) <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> (NSW);</li> <li>(xv) <i>State Debt Recovery Act 2018</i> (NSW);</li> <li>(xvi) <i>Taxation Administration Act 1996</i> (NSW);</li> <li>(xvii) <i>Unclaimed Money Act 1995</i> (NSW);</li> </ul> <p>(c) to 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) directly in relation to the following Acts:</p> <ul style="list-style-type: none"> <li>(i) <i>Fines Act 1996</i> (NSW);</li> <li>(ii) <i>Health Services Act 1997</i> (NSW);</li> <li>(iii) <i>Road Transport Act 2013</i> (NSW)</li> </ul>
45	Revenue SA, Department of Treasury and Finance (Revenue SA)	An employee with responsibility to perform statutory duties and associated functions on behalf of Revenue SA	<p>To perform statutory duties and associated functions for the administration and enforcement of revenue and recognised laws, including residency requirements, directly in relation to the following Acts:</p> <ul style="list-style-type: none"> <li>(a) <i>First Home and Housing Construction Grants Act 2000</i> (SA);</li> <li>(b) <i>Taxation Administration Act 1996</i> (SA)</li> </ul>
46	Services Australia	Any of the following:	<ul style="list-style-type: none"> <li>(a) To verify immigration status and residence status for determination of eligibility and entitlements for social security and family assistance benefits; or</li> </ul>

Item	Agency	Employee	Purpose
		(a) APS 4 and above, with responsibility for verifying immigration status and movement information in relation to social security and family assistance benefit reviews;	(b) to identify and prevent overpayments, and to ensure accuracy of claimant data; or
		(b) APS 4 and above, with responsibility for customer service recovery action, in relation to social security and family assistance benefits;	(c) to give effect to Australia's international obligations in relation to reciprocal social security agreements; or
		(c) APS 4 and above, with responsibility for policy and procedural support for staff processing social security and family assistance claims and entitlement reviews;	(d) to verify immigration status and residence status to determine eligibility assessments for child support; or
		(d) APS 4 and above, with responsibility for identification, investigation and prevention of incorrect payments and fraud;	(e) to give effect to Australia's international obligations in relation to reciprocal enforcement of child support; or
		(e) APS 3 and above, with responsibility for identification, investigation and prevention of incorrect payments;	(f) to enforce child support liabilities; or
		(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;	(g) to 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; or
		(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;	(h) to ensure accuracy of claimant data for the Medicare program and the Pharmaceutical Benefits Scheme; or
		(h) APS 4 and above, with responsibility for customer service recovery action in relation to child support benefits;	(i) to support the investigation of offences against programs administered by Services Australia directly in relation to the following Acts:
			(i) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth);
			(ii) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth);
			(iii) <i>Australian Hearing Services Act 1991</i> (Cth);
			(iv) <i>Child Support (Assessment) Act 1989</i> (Cth);
			(v) <i>Child Support (Registration and Collection) Act 1988</i> (Cth);
			(vi) <i>Dental Benefits Act 2008</i> (Cth);
			(vii) <i>Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Act 2023</i> (Cth);
			(viii) <i>Farm Household Support Act 2014</i> (Cth);

Item	Agency	Employee	Purpose
		<ul style="list-style-type: none"> <li>(i) APS 3 and above with responsibility for identification, investigation and enforcement of child support liabilities;</li> <li>(j) APS 4 and above with responsibility for identification and investigation of incorrect payments and investigation of offences against Medicare programs;</li> <li>(k) APS 4 and above with responsibility for customer service recovery action in relation to Medicare benefits</li> </ul>	<ul style="list-style-type: none"> <li>(ix) <i>Health and Other Services (Compensation) Act 1995</i> (Cth);</li> <li>(x) <i>Health Insurance Act 1973</i> (Cth);</li> <li>(xi) <i>National Health Act 1953</i> (Cth);</li> <li>(xii) <i>Paid Parental Leave Act 2010</i> (Cth);</li> <li>(xiii) <i>Social Security (Administration) Act 1999</i> (Cth);</li> <li>(xiv) <i>Student Assistance Act 1973</i> (Cth);</li> <li>(xv) <i>Social Security Act 1991</i> (Cth);</li> <li>(xvi) <i>Social Security (International Agreements) Act 1999</i> (Cth)</li> </ul>
47	South Australia Police (SA Police)	<p>An officer or member who:</p> <ul style="list-style-type: none"> <li>(a) has responsibility to perform statutory duties and associated functions on behalf of SA Police;</li> <li>(b) is engaged in investigations involving persons who have been reported as missing</li> </ul>	<ul style="list-style-type: none"> <li>(a) To perform statutory duties and associated functions directly in relation to the following Acts: <ul style="list-style-type: none"> <li>(i) <i>Coroners Act 2003</i> (SA);</li> <li>(ii) <i>Crimes Act 1914</i> (Cth);</li> <li>(iii) <i>Criminal Law Consolidation Act 1935</i> (SA);</li> <li>(iv) <i>Sentencing Act 2017</i> (SA); or</li> </ul> </li> <li>(b) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; or</li> <li>(c) to conduct missing persons investigations</li> </ul>
48	Sport Integrity Australia	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>(a) an employee of Sport Integrity Australia who performs statutory duties under the <i>Sports Integrity Act 2020</i> (Cth) to assist with the investigation and prevention of threats to sports integrity;</li> <li>(b) an employee who coordinates a national approach to matters relating to sports integrity</li> </ul>	To fulfil statutory duties and associated functions to prevent, investigate and address threats to sports integrity and to coordinate a national approach to matters relating to sports integrity in Australia and directly in relation to administering the <i>Sport Integrity Australia Act 2020</i> (Cth).
49	State Revenue Office, Victoria (SRO Vic)	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>(a) Area Manager;</li> <li>(b) Program Manager;</li> </ul>	To perform statutory duties directly in relation to the performance of one or more of the functions of legislation

Item	Agency	Employee	Purpose
		(c) Principal Investigator; (d) Senior Investigator; (e) Investigator; (f) Revenue Reporting Analyst; (g) Strategic Liaison Officer; (h) Senior Analyst; (i) Senior Administration Officer	for which the Commissioner of State Revenue Victoria has the power of administration, under the following Acts: (a) <i>Back to Work Act 2015</i> (Vic); (b) <i>Duties Act 2000</i> (Vic); (c) <i>Fire Services Property Levy Act 2012</i> (Vic); (d) <i>First Home Owner Grant and Home Buyer Schemes Act 2000</i> (Vic); (e) <i>Land Tax Act 2005</i> (Vic); (f) <i>Payroll Tax Act 2007</i> (Vic); (g) <i>Taxation Administration Act 1997</i> (Vic); (h) <i>Taxation (Reciprocal Powers) Act 1987</i> (Vic); (i) <i>Unclaimed Money Act 2008</i> (Vic)
50	Tasmania Police	An 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	(a) To perform statutory duties and associated functions directly in relation to the following Acts: (i) <i>Coroners 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); or (b) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; or (c) to conduct missing persons investigations
51	Tax Practitioners Board	An employee of the Tax Practitioners Board with responsibility to perform statutory duties and associated functions under the <i>Tax Agent Services Act 2009</i> (Cth)	To perform statutory duties directly in relation to the performance of one or more of the functions of legislation for which the Tax Practitioners Board has the power of administration and directly relating to the <i>Tax Agent Services Act 2009</i> (Cth)
52	Victoria Police	An officer or employee who:	(a) To perform statutory duties and associated functions directly in relation to the following Acts: (i) <i>Coroners Act 2008</i> (Vic);

Item	Agency	Employee	Purpose
		(a) has responsibility to perform statutory duties and associated functions on behalf of Victoria Police; or (b) is engaged in investigations involving persons who have been reported as missing	(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); or (b) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; or (c) to conduct missing persons investigations
53	Western Australia Police Force (WA Police Force)	An officer or employee who: (a) has responsibility to perform statutory duties and associated functions on behalf of WA Police Force; or (b) is engaged in investigations involving persons who have been reported as missing; or (c) works in the Personnel Security Vetting Unit	(a) To perform statutory duties and associated functions directly in relation to the following Acts: (i) <i>Coroners 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>Criminal Investigation (Identifying People) Act 2002</i> (WA); (vi) <i>Misuse of Drugs Act 1981</i> (WA); (vii) <i>Police Act 1892</i> (WA); (viii) <i>Sentencing Act 1995</i> (WA); or (b) to assist in the administration and enforcement of laws directly relating to a criminal law, the prevention of a crime or the detection of criminal conduct; and (c) to conduct missing persons investigations; and (d) to conduct security vetting on prospective employees of the WA Police Force

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## **Schedule 3—Repeals**

### ***Migration (Access to Movement Records) Instrument (LIN 23/015) 2023***

#### **1 The whole of the instrument**

Repeal the instrument.

## EXPLANATORY STATEMENT

Issued by authority of the Minister for Home Affairs

*Migration Regulations 1994*

### ***Migration (Access to Movement Records) Instrument 2025***

1. The instrument, departmental reference LIN 25/001, is made under subregulations 3.10A(1) and (2) of the *Migration Regulations 1994* (the Migration Regulations).
2. The instrument repeals *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.
3. The instrument commences on the day after registration, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

### ***Background***

#### ***Migration (Access to Movement Records) Instrument 2025***

4. The *Migration (Access to Movement Records) Instrument 2025* is made under subregulations 3.10A(1) and (2) of the Migration Regulations.
5. Subsection 488(1) of the *Migration Act 1958* (the 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 by the Minister pursuant to subsection 488(2) of that Act.
6. Subparagraph 488(2)(a)(vii) of the Migration Act provides that the Minister may authorise an officer to perform one or more actions prohibited by subsection 488(1) for the purposes of prescribed Commonwealth, State or Territory legislation.
7. Paragraph 488(2)(g) of the Migration 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 the actions prohibited by subsection 488(1) of that Act for prescribed purposes.
8. Subregulation 3.10A(1) of the Migration Regulations provides that for subparagraph 488(2)(a)(vii) of the Migration Act, Commonwealth, State or Territory legislation specified by the Minister in an instrument in writing for this subregulation is prescribed.
9. The note under the above subregulation to those Regulations provides that under subsection 488(1) of the Migration Act, a person must not read, examine, reproduce, use or disclose any part of the movement records. However, subparagraph 488(2)(a)(vii) of that Act

permits the Minister to authorise an officer to perform 1 or more of those actions for the purposes of prescribed Commonwealth, State or Territory legislation.

10. Subregulation 3.10A(2) of the Migration Regulations provides that for paragraph 488(2)(g) of the Migration Act:
  - an agency of the Commonwealth, a State or a Territory specified by the Minister in an instrument in writing for this paragraph is prescribed (paragraph 3.10A(2)(a)); and
  - an employee of a prescribed agency who is specified by the Minister in an instrument in writing for this paragraph is prescribed (paragraph 3.10A(2)(b)); and
  - a purpose specified by the Minister in an instrument in writing for this paragraph is prescribed (paragraph 3.10A(2)(c)).
11. The note under the above subregulation to those Regulations provides that under subsection 488(1) of the Migration Act, a person must not read, examine, reproduce, use or disclose any part of the movement records. However, paragraph 488(2)(g) of that Act permits the Minister to authorise prescribed employee of a prescribed agency of the Commonwealth, or of a State or Territory, to perform 1 or more of those actions for a prescribed purpose.
12. The instrument specifies:
  - the prescribed Commonwealth, State and Territory legislation for the purposes of which an officer may be authorised to access the movement records for subregulation 3.10A(1) of the Migration Regulations; and
  - the prescribed agencies and employees of the Commonwealth, a State or Territory for paragraphs 3.10A(2)(a) and (b) of the Migration Regulations, and the purpose for which those employees may access the movement records pursuant to paragraph 3.10A(2)(c).

*Migration (Access to Movement Records) Instrument (LIN 23/015) 2023*

13. The *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023* (LIN 23/015) was made under subregulations 3.10A(1) and (2) of the Migration Regulations.
14. The purpose of LIN 23/015 was to specify:
  - the prescribed Commonwealth, State and Territory legislation for the purposes of which an officer was authorised to access the movement records for subregulation 3.10A(1); and
  - the prescribed agencies and employees of the Commonwealth, a State or Territory for paragraphs 3.10A(2)(a) and (b) of the Migration Regulations, and the purpose for which those employees may have accessed the movement records pursuant to paragraph 3.10A(2)(c).
15. The terms ‘data base’, ‘movement records’ and ‘notified data base’ are all defined in subsection 5(1) of that Migration Act as follows:
  - *data base* (except in Part 4A of the Migration Act) means a discrete body of information stored by means of a computer. The note under that definition provides that section 336A defines this term differently for the purposes of Part 4A.
  - *movement records* means information stored in a notified data base.
  - *notified data base* means a data base declared to be a notified data base under section 489.

16. In practice, movement records are information stored within the Department of Home Affairs (the Department) Movement Reconstruction Database, which is part of the Travel and Immigration Processing System (TRIPS).
17. Information within the movement records include the name, date of birth, gender, date of entry to or departure from Australia, port, airport or flight, passport details, and any visa information for persons who enter and leave Australia.

### ***Purpose***

#### *Migration (Access to Movement Records) Instrument 2025*

18. Similar to LIN 23/015, the purpose of this instrument is to specify:
- the prescribed Commonwealth, State and Territory legislation for the purposes of which an officer may be authorised to access the movement records for subregulation 3.10A(1) of the Migration Regulations; and
  - the prescribed agencies and employees of the Commonwealth, a State or Territory for paragraphs 3.10A(2)(a) and (b) of the Migration Regulations, and the purpose for which those employees may access the movement records pursuant to paragraph 3.10A(2)(c).
19. Certain employees within a number of Commonwealth, State and Territory government agencies consistently require access to the movement records to perform statutory duties and associated functions and to properly administer Commonwealth, State or Territory legislation mentioned in Schedule 1 or 2 to this instrument.

### ***Consultation***

20. External consultation was undertaken with government agencies which have requested access to the Movements Reconstruction Database or for which access is currently being negotiated.
21. Consultation was also undertaken where agencies requested an update to the agency name/s, employees, legislation or prescribed purpose/s. Consultation was undertaken with the following agencies:
- Australian Taxation Office (ATO);
  - Australian Criminal Intelligence Commission (ACIC)\
  - Board of Professional Engineers Queensland;
  - Building Commission of NSW (operating under the Department of Customer Service NSW Portfolio);
  - Clean Energy Regulator (CER);
  - Department of Agriculture, Fisheries and Forestry (DAFF);
  - Department of Defence – Defence Intelligence Organisation (DIO);
  - Department of Foreign Affairs and Trade (DFAT);
  - Department of Health, Disability and Ageing;
  - Department of Home Affairs
  - Department of Justice and Community Safety, Victoria;
  - Department of Mines, Industry Regulation and Safety Western Australia (DMIRS);
  - Department of Primary Industries and Regional Development NSW;
  - Department of Treasury and Finance; South Australia;

- Department of Veterans Affairs (DVA);
- National Anti-Corruption Commission (NACC);
- National Disability Insurance Agency (NDIA);
- National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Quality and Safeguards Commission);
- New South Wales Fair Trading (operating under the Department of Customer Service NSW Portfolio);
- Revenue New South Wales;
- RevenueWA, and
- State Revenue Office, Victoria (SRO Vic).

***Documents incorporated by reference***

22. The instrument incorporates a number of pieces of Commonwealth, State and Territory legislation by reference as in force from time to time, in accordance with section 10A of the Acts Interpretation Act as applied by paragraph 13(1)(a) of the Legislation Act.
23. Commonwealth legislation incorporated by reference can be accessed on the Federal Register of Legislation website ([www.legislation.gov.au](http://www.legislation.gov.au)). State and Territory legislation can be accessed via the respective online databases:
  - NSW legislation: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au);
  - Victorian legislation: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au);
  - Queensland Legislation: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au);
  - South Australian Legislation: [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au);
  - Western Australian Legislation: [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au);
  - Tasmanian Legislation: [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au);
  - ACT Legislation Register: [www.legislation.act.gov.au](http://www.legislation.act.gov.au);
  - Northern Territory Legislation: [www.legislation.nt.gov.au](http://www.legislation.nt.gov.au).

***Details of the instrument***

24. Details of the instrument are set out in **Attachment A**.

***Parliamentary scrutiny etc.***

25. The instrument is subject to disallowance under section 42 of the Legislation Act.
26. A Statement of Compatibility with Human Rights has been prepared in relation to the instrument, and provides that to the extent the instrument may limit the prohibition against arbitrary or unlawful interference with privacy, this is necessary in furtherance of a legitimate objective and is proportionate to that objective. The Statement is included at **Attachment B** to this explanatory statement.
27. The instrument was made by a delegate of the Minister under subregulations 3.10A(1) and (2) of the Migration Regulations.

## Details of the *Migration (Access to Movement Records) Instrument 2025*

### Section 1 Name

This section provides that the name of the instrument is the *Migration (Access to Movement Records) Instrument 2025* (the instrument).

### Section 2 Commencement

This section provides that the instrument commences on the day after registration on the Federal Register of Legislation.

### Section 3 Authority

This section provides that the instrument is made under the following provisions of the Migration Regulations 1994:

- subregulation 3.10A(1); and
- subregulation 3.10A(2).

### Section 4 Definitions

This section sets out definitions of terms used in this instrument.

Subsection 4(1) of the instrument provides for the following definitions:

- **Act** means the *Migration Act 1958*.
- **Regulations** means the *Migration Regulations 1994*.
- **security vetting** includes pre-employment screening and ongoing assessment of the eligibility and suitability of a person to be employed by that agency.

Subsection 4(2) of the instrument provides that in this instrument, an APS level in the following table is an abbreviation of the approved classification of an APS employee under the *Public Service Classification Rules 2000* (Cth):

APS level	Approved classification
APS 1	APS Level 1
APS 2	APS Level 2
APS 3	APS Level 3
APS 4	APS Level 4
APS 5	APS Level 5
APS 6	APS Level 6
EL 1	Executive Level 1
EL 2	Executive Level 2
SES 1	Senior Executive Service Band 1
SES 2	Senior Executive Service Band 2

## **Section 5 Schedules**

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Section 6 Commonwealth, State or Territory legislation**

This section provides that for subregulation 3.10A(1) of the Regulations, the Commonwealth, State or Territory legislation is specified in Schedule 1.

The note under section 6 of this instrument provides that the Minister may authorise an officer to perform one or more actions prohibited under subsection 488(1) of the Migration Act for the purposes of prescribed Commonwealth, State or Territory legislation—see subparagraph 488(2)(a)(vii) of that Act.

## **Section 7 Agencies, employees and purposes**

The section provides for the specified agencies, employees and purposes.

Subsection 7(1) of the instrument provides that for paragraphs 3.10A(2)(a), (b) and (c) of the Regulations:

- each agency of the Commonwealth, a State or a Territory is specified in Schedule 2 (paragraph 7(1)(a) of this instrument); and
- each employee of an agency mentioned in an item of Schedule 2 is specified (paragraph 7(1)(b) of this instrument); and
- each purpose of an agency mentioned in an item of Schedule 2 is specified (paragraph 7(1)(c) of this instrument).

The note under paragraph 7(c) of this instrument provides that the Minister may 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) of the Migration Act—see paragraph 488(2)(g) of that Act.

## **Schedule 1 Commonwealth, State and Territory legislation**

Schedule 1 of the instrument lists Commonwealth, State and Territory legislation for the purposes of subregulation 3.10A(1) of the Regulations and section 6 (above) of this instrument. This enables the Minister to authorise officers to perform actions which would otherwise be prohibited under subsection 488(1) but for subparagraph 488(2)(a)(vii) of the Migration Act.

## **Schedule 2 Agencies, employees and purposes**

Schedule 2 of the instrument lists specified Commonwealth, State or Territory agencies, employees and purposes for paragraphs 3.10A(2)(a), (b) and (c) of the Regulations and section 7 (above) to this instrument. This enables the Minister to authorise these employees of these agencies to perform actions which would otherwise be prohibited under subsection 488(1) but for paragraph 488(2)(g) of the Migration Act, provided that those actions are for a specified purpose.

### **Schedule 3    Repeals**

Item 1 of Schedule 3 to the instrument repeals the *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023* entirely.

**Statement of Compatibility with Human Rights**

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

***Migration (Access to Movement Records) Instrument (LIN 25/001) 2025***

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 Disallowable Legislative Instrument**

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

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 Act.

The Movement Reconstruction Database contains information kept for the purposes of the 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) of the Act include where the action is required for the purposes of prescribed legislation (subparagraph 488(2)(a)(vii) of the Act) and where the action is being performed by a prescribed employee of a prescribed agency for a prescribed purpose (subsection 488(2)(g) of the Act).

Subsection 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, *Migration (Access to Movement Records) Instrument (LIN 25/001) 2025* (the 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) of the Act.

This Instrument also repeals *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023*, signed on 11 July 2023 and cited as LIN 23/015.

The key changes in this Instrument from LIN 23/015 are:

### **Schedule 1**

Addition, amendment or removal of legislation:

- *Aged Care Act 1997* (Cth);
- *Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997* (Cth);
- *Children and Young People (Safety) Act 2017* (SA);
- *Children, Young Persons and Their Families Act 1997* (Tas);
- *County Court Act 1958* (Vic);
- *Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Act 2023* (Cth);
- *Evidence Act 1995* (Cth);
- *Financial Transaction Reports Amendment (Transitional Arrangements) Act 2008* (Cth);
- *Fines Reform Act 2014* (Vic);
- *Infringements Act 2006* (Vic);
- *Magistrates' Court Act 1989* (Vic);
- *National Anti-Corruption Commission Act 2022* (Cth);
- *Public Service Act 1999* (Cth);
- *Public Health and Wellbeing Act 2008* (Vic);
- *Sentencing Act 1991* (Vic);
- *Sheriff Act 2009* (Vic);

- *Supreme Court Act 1986* (Vic); and
- *Trade Support Loans Amendment Act 2023* (Cth).

This instrument either removes or replaces reference to any repealed legislation specified in LIN 23/015.

## **Schedule 2**

The purposes and employees of several agencies have been updated to reflect changes to agency structures and to confine access to purposes under specified acts that the agencies administer. These changes effectively restrict Movement Records to specific levels of staff or work areas in specific agencies for specific purposes.

The following ten agencies have been added to facilitate access to Movement Records to enable those agencies to perform their statutory duties and associated functions effectively:

- Board of Professional Engineers Queensland;
- Building Commission of NSW (operating under the Department of Customer Service NSW Portfolio);
- Department of Defence – Defence Intelligence Organisation (DIO);
- Department of Justice and Community Safety, Victoria;
- Department of Mines, Industry Regulation and Safety Western Australia (DMIRS);
- Department of Primary Industries and Regional Development NSW;
- Department of Veterans Affairs (DVA);
- National Anti-Corruption Commission (NACC);
- National Disability Insurance Scheme Quality and Safeguards Commission;
- New South Wales Fair Trading (operating under the Department of Customer Service NSW Portfolio).

The names of the following agencies have been updated to reflect changes to agency names from Machinery of Government changes:

- Administrative Review Tribunal (formerly the Administrative Appeals Tribunal);
- Department of Health, Disability and Ageing (formerly Department of Health and Aged Care); and
- RevenueWA (formerly the Office of State Revenue, Western Australia).

## **Human rights implications**

This Disallowable Legislative Instrument engages the prohibition against 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 prohibition against arbitrary or unlawful interference with privacy is engaged as the Instrument seeks to control government access to the personal information in Movement Records. The access to Movement Records will be lawful as authorised by this Instrument. To the extent that this 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. In particular, the following additional agencies have been added to the Instrument for the following reasons:

- **The Board of Professional Engineers Queensland** is specified so that Movement Records can be accessed to enhance the effectiveness of their investigative processes, such as in relation to locating and/or determining the whereabouts of engineers under investigation or persons suspected of committing offences against the *Professional Engineers Act 2002* (Qld). This includes identifying whether engineers under investigation, suspects, or witnesses may be outside of Australia at a specific time, and to identify any of these individuals facing serious criminal charges who may have been deported from Australia.
- **Department of Customer Service NSW:**
  - **The Building Commission NSW (BC NSW)** is specified so that Movement Records can be accessed to enhance their ability to effectively carry their statutory duties and responsibilities. BC NSW’s role incorporates the regulation of building work and the licensing of tradespeople across NSW. In instances where BC NSW are investigating potential breaches of building standards or licensing requirements, access to Movement Records can be invaluable, assisting the agency to determine the whereabouts of individuals subject to investigation, to ensure effective enforcement actions, as well as assisting in the investigation and prosecution of matters under various acts the agency administers, including; the *Fair Trading Act 1987*, the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, the *Home Building Act 1989*, and the *Crimes Act 1900* (Cth) and
  - **New South Wales Fair Trading** is specified so that Movement Records can be accessed to conduct compliance and enforcement actions under the *Fair Trading Act 1987* (NSW) and the *Crimes Act 1900* (Cth).
- **Department of Defence – Defence Intelligence Organisation (DIO)** is specified so that Movement Records can be accessed to assist the DIO in complying with the rules made under section 41C of the *Intelligence Services Act 2001* (Cth) regarding the communication and retention of intelligence information concerning Australian persons.
- **Department of Justice and Community Safety, Victoria** is specified so that Movement Records can be accessed to enable employees of the agency to conduct investigations into infringements under various Acts, including; the *Sheriff Act 2009* (Vic) - in particular section 7, to enable the Sheriff of Victoria to undertake the Sheriff’s functions, powers, and duties; the *Fines Reform Act 2014* (Vic) - in particular section 5, to enable the Director, Fines Victoria to carry out his or her legislative functions, and to enforce ‘infringement offences’ as an ‘enforcement agency’, as defined in section 3 of the *Infringements Act 2006* (Vic).

- **Department of Mines, Industry Regulations and Safety Western Australia (DMIRS)** is specified so that Movement Records can be accessed to enable Industrial Inspectors employed in the Private Sector Labour Relations Division of DMIRS who perform statutory duties to investigate and administer compliance under the *Children and Community Services Act 2004* (WA), the *Industrial Relations Act 1979* (WA), the *Long Service Leave Act 1958* (WA), and the *Minimum Conditions of Employment Act 1993* (WA).
- **Department of Primary Industries and Regional Development NSW** is specified so that Movement Records can be accessed to enable Fisheries Officers in the NSW Department of Primary Industries and Regional Development Fisheries Compliance Unit to investigate and prosecute persons found committing offences under the *Fisheries Management Act 1994* (NSW), *Marine Estate Management Act 2014* (NSW), and associated regulations. These prosecutions can lead to the need to issue court attendance notices for a range of offences. Successful serving of a court attendance notice may depend at times on confirmation the offender is currently located in Australia or overseas.
- **Department of Veterans' Affairs (DVA)** is specified so that Movement Records can be accessed to enable DVA employees to:
  - monitor eligibility for services and ensure compliance by claimants with provisions for receipt of services;
  - monitor and enforce compliance by DVA service providers;
  - investigate potential fraud and seek criminal prosecution; and
  - recover revenue debt.

DVA employees conduct these actions under the *Veterans' Entitlements Act 1986* (Cth), the *Defence Service Homes Act 1918* (Cth), *Military Rehabilitation and Compensation Act 2004* (Cth), the *Safety Rehabilitation and Compensation Act 1988* (Cth), the *War Graves Act 1980* (Cth), and the *Social Security Act 1991* (Cth).

**National Anti-Corruption Commission (NACC)** is specified so that Movement Records can be accessed to detect, investigate and report on serious systemic corruption in the public sector. This includes conduct that occurred before or after it was established. They operate under and are governed by the *National Anti-Corruption Commission Act 2022* (Cth)

**National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Quality and Safeguards Commission)** is specified so that Movement Records can be accessed to conduct compliance and enforcement actions under Division 8 of the *National Disability Insurance Scheme 2013* (Cth). This includes powers relating to monitoring, investigations, civil penalties, infringement notices and initiating compliance orders, banning orders, revocation of registration, enforceable undertaking and injunctions.

The limited purposes and delegations that the Instrument sets out ensure that the Instrument imposes ensure that the access to 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. 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 that 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.

Further, the protection of the right in Article 17(1), and consistent with the requirement in Article 17(2), is set out in domestic law under the *Privacy Act 1988* (Cth) (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.

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. The Act imposes a penalty of imprisonment for 2 years for the unlawful access to Movement Records contrary to section 488 of the Act.

### **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 reasonable and proportionate to that objective. This Disallowable Legislative Instrument is compatible with the relevant human rights obligations for the reasons outlined above.

**Issued by authority of the Minister for Home Affairs**



LIN 25/075

## Migration (**Disclosure of Information to Prescribed Bodies**) Instrument 2025

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I, Tony Burke, Minister for Immigration and Citizenship, make the following instrument.

Dated                    30 September 2025

Tony Burke  
Minister for Immigration and Citizenship

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## 1 Name

This instrument is the *Migration (Disclosure of Information to Prescribed Bodies) Instrument 2025*.

## 2 Commencement

This instrument commences **on the day after registration.**

## 3 Authority

This instrument is made under regulation 5.34D of the *Migration Regulations 1994*.

## 4 Definitions

In this instrument:

*Act* means the *Migration Act 1958*.

*Regulations* means the *Migration Regulations 1994*.

## 5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 6 Prescribed bodies for the disclosure of information

For the purposes of regulation 5.34D of the Regulations, each body that is mentioned in an item of the table in Schedule 1 to this instrument is specified as a prescribed body for paragraph 336F(1)(d) of the Act.

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## Schedule 1—Prescribed bodies for the disclosure of information

Item	Column 1 Body
1	Access Canberra
2	ACT Community Services Directorate
3	ACT Education Directorate
4	ACT Health
5	ACT Office of the Director of Public Prosecutions
6	Attorney-General's Department
7	Australian Transaction Reports and Analysis Centre (AUSTRAC)
8	Australian Criminal Intelligence Commission
9	Australian Electoral Commission
10	Australian Federal Police
11	Australian Financial Security Authority
12	Australian Fisheries Management Authority
13	Australian Secret Intelligence Service
14	Australian Securities and Investments Commission
15	Australian Security Intelligence Organisation
16	Australian Taxation Office
17	Canada Revenue Agency
18	Commonwealth Director of Public Prosecutions
19	Consumer Affairs Victoria
20	Defence Science and Technology Group
21	Department of Agriculture, Fisheries and Forestry
22	Department of Defence
23	Department of Education
24	Department of Foreign Affairs and Trade
25	Department of Health, Disability and Ageing
26	Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
27	Fair Work Ombudsman
28	Federal Circuit and Family Court of Australia
29	Hong Kong Police Force
30	Immigration, Refugees and Citizenship Canada
31	Indonesian National Police (POLRI)
32	Infrastructure Tasmania
33	Korean National Police Agency
34	Main Roads Western Australia
35	Ministry of Business, Innovation & Employment (New Zealand)
36	New South Wales Crime Commission
37	New South Wales Department of Corrective Services

<b>Item</b>	<b>Column 1 Body</b>
38	New South Wales Department of Education
39	New South Wales Department of Human Services
40	New South Wales Fair Trading
41	New South Wales Health
42	New South Wales Office of the Director of Public Prosecutions
43	New South Wales Police Force
44	New South Wales Registry of Births, Deaths and Marriages
45	<b>New Zealand Police</b>
46	Northern Territory Consumer Affairs
47	Northern Territory Department of Education and Training
48	Northern Territory Department of Industry, Tourism and Trade
49	Northern Territory Department of Infrastructure, Planning and Logistics
50	Northern Territory Director of Public Prosecutions
51	Northern Territory Health
52	Northern Territory Police Force
53	Queensland Corrective Service
54	Queensland Crime and Corruption Commission
55	Queensland Department of Agriculture and Fisheries
56	Queensland Department of Education
57	Queensland Department of Families, Seniors, Disability Services and Child Safety
58	Queensland Department of Transport and Main Roads
59	Queensland Health
60	Queensland Office of the Director of Public Prosecutions
61	Queensland Office of Fair Trading
62	Queensland Police Service
63	Queensland Registry of Births, Deaths and Marriages (Queensland Department of Justice and Attorney-General)
64	ReturnToWorkSA
65	<b>Royal Canadian Mounted Police</b>
66	<b>Royal Malaysia Police</b>
67	Services Australia
68	South Australia Department for Education
69	South Australia Health
70	South Australia Police
71	South Australian Births, Deaths and Marriages Registration Office (South Australian Office of Consumer and Business Affairs)
72	South Australian Consumer and Business Services
73	South Australian Department for Infrastructure and Transport
74	South Australian Department of Correctional Services
75	South Australian Department of Human Services
76	South Australian Department of Primary Industries and Regions
77	South Australian Office of the Director of Public Prosecutions

<b>Item</b>	<b>Column 1 Body</b>
78	Sri Lanka Police Service
79	Tasmanian Department for Education, Children and Young People
80	Tasmanian Department of State Growth
81	Tasmanian Director of Public Prosecutions
82	Tasmanian Office of Consumer Affairs and Fair Trading
83	Tasmanian Police
84	Tasmanian Registry of Births, Deaths and Marriages (Tasmanian Department of Justice)
85	The Treasury
86	Transport for NSW
87	UK National Crime Agency
88	United States Department of Homeland Security (including the United States Citizenship and Immigration Services)
89	United States Drug Enforcement Administration
90	United States Federal Bureau of Investigation
91	Victorian Department of Education
92	Victorian Department of Families, Fairness and Housing
93	Victorian Department of Health
94	Victorian Department of Justice and Community Safety
95	Victorian Office of Public Prosecutions
96	Victoria Police
97	Victorian Registry of Births, Deaths and Marriages (Victorian Department of Communities)
98	VicRoads
99	Western Australia Department of Communities
100	Western Australian Consumer Protection
101	Western Australian Department of Education
102	Western Australian Department of Fisheries
103	Western Australian Department of Health
104	Western Australian Department of Justice
105	Western Australian Department of Planning, Lands and Heritage
106	Western Australian Police Service
107	Western Australian Registry of Births, Deaths and Marriages (WA Department of Justice)

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## **Schedule 2—Repeals**

### *IMMI 15/066 – Disclosure of Information to Prescribed Bodies 2015*

#### **1 The whole of the instrument**

Repeal the instrument.

## EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration and Citizenship

*Migration Regulations 1994*

*Migration (Disclosure of Information to Prescribed Bodies) Instrument 2025*

The instrument, departmental reference LIN 25/075, is made under regulation 5.34D of the *Migration Regulations 1994* (the Migration Regulations).

The instrument repeals *IMMI 15/066 – Disclosure of Information to Prescribed Bodies 2015* (IMMI 15/066) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.

That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument. IMMI 15/066 would otherwise be repealed by sunset on 1 October 2025, by operation of section 50 of the *Legislation Act 2003* (Legislation Act).

### ***Purpose of the instrument***

Paragraph 336F(1)(d) of the *Migration Act 1958* (the Migration Act) provides that the Secretary or Australian Border Force Commissioner may, in writing, authorise a specified officer, or any officer included in a specified class of officers, to disclose identifying information of the kind specified in the authorisation to one or more prescribed bodies of a foreign country, of the Commonwealth or of a state or Territory.

Regulation 5.34D of the Migration Regulations provides that for the purpose of paragraph 336F(1)(d) of the Migration Act, a body of a foreign country, the Commonwealth, a state, or a Territory that is specified in a legislative instrument made by the Minister for this regulation is a prescribed body.

The purpose of this instrument is to specify the prescribed bodies to which authorised officers may disclose identifying information under regulation 5.34D of the Migration Regulations. The instrument updates the names of bodies that have been renamed since they were previously specified in IMMI 15/066, and removes the names of bodies that no longer exist today. The instrument does not make any substantive changes to IMMI 15/066, and does not specify any additional bodies.

The instrument also operates to repeal IMMI 15/066 (which otherwise would have sunset on 1 October 2025). Minor changes have been made to simplify and modernise the drafting of the instrument.

### ***Parliamentary scrutiny and other matters***

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Part 5 of the Migration Regulations is prescribed under table item 20(b) of section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* as an instrument that is not subject to disallowance. A Statement of Compatibility with Human Rights is therefore not required.

The instrument commences on the day after it is registered on the Federal Register of Registration.

Further details of the instrument are set out in **Attachment A**.

No external consultation was undertaken or considered necessary and appropriate to undertake in relation to this instrument. As a sunseting legislative instrument, the Department of Home Affairs has undertaken a review of IMMI 15/066 in line with the Attorney-General's Department's *Guide to Managing Sunseting of Legislative Instruments*. No external consultation was viewed as being necessary because the instrument operates to maintain existing arrangements and the current settings and prescribed bodies are still considered to be necessary and appropriate to include in the instrument.

The Migration Regulations specify no conditions that need to be satisfied before the power to make the instrument may be exercised.

**Details of the Migration (Disclosure of Information to Prescribed Bodies) Instrument 2025**

**Section 1 – Name of Instrument**

This section sets out the name of the instrument, which is the *Migration (Disclosure of Information to Prescribed Bodies) Instrument 2025*.

**Section 2 – Commencement**

This section provides that the instrument commences on the day after it is registered on the Federal Register of Legislation.

**Section 3 – Authority**

This section provides that this instrument is made under regulation 5.34D of the *Migration Regulations 1994* (the Migration Regulations).

**Section 4 – Definitions**

This section provides definitions for expressions used in the instrument.

**Section 5 – Schedules**

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Section 6 – Prescribed bodies for the disclosure of information**

This section provides that, for the purposes of paragraph 336F(1)(d) of the *Migration Act 1958* (the Migration Act) and under regulation 5.34D of the Migration Regulations, each body that is mentioned in the table in Schedule 1 to this instrument is specified as a prescribed body.

**Schedule 1 – Prescribed bodies for the disclosure of information**

Schedule 1 of the instrument contains a table that specifies the prescribed bodies of a foreign country, or the Commonwealth, or a State or Territory.

No substantive changes have been made to the list of bodies that were specified in IMMI 15/066 as prescribed bodies to which an authorised officer (as provided for in paragraph 336F(1)(d) of the Migration Act) can provide identifying information. Minor changes have been made to reflect the bodies that have been renamed, and to remove the names of bodies that no longer exist. The intention is otherwise to maintain the existing settings and arrangements provided for, consistent with IMMI 15/066.

## **Schedule 2 – Repeals**

### **Item [1] – The whole of the instrument**

This item, together with section 5 of the instrument, operates to repeal *IMMI 15/066 – Disclosure of Information to Prescribed Bodies 2015*. IMMI 15/066 was due to sunset on 1 October 2025 in accordance with subsection 50(1) of the Legislation Act.



LIN 25/076

# Migration (**Disclosure of Information to Prescribed International Organisations**) Instrument 2025

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I, Tony Burke, Minister for Immigration and Citizenship, make the following instrument.

Dated                    30 September 2025

Tony Burke  
Minister for Immigration and Citizenship

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## 1 Name

This instrument is the *Migration (Disclosure of Information to Prescribed International Organisations) Instrument 2025*.

## 2 Commencement

This instrument commences **on the day after registration.**

## 3 Authority

This instrument is made under regulation 5.34E of the *Migration Regulations 1994*.

## 4 Definitions

In this instrument:

*Act* means the *Migration Act 1958*.

*Regulations* means the *Migration Regulations 1994*.

## 5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 6 Prescribed international organisations for the disclosure of information

For the purposes of regulation 5.34E of the Regulations, each of the following organisations is specified as a prescribed international organisation for paragraph 336F(1)(e) of the Act:

- (a) International Committee of the Red Cross;
- (b) International Federation of the Red Cross and Red Crescent Societies;
- (c) **the International Organisation for Migration;**
- (d) International Monetary Fund;
- (e) International Residual Mechanism for Criminal Tribunals;
- (f) **Interpol;**
- (g) The United Nations.

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## **Schedule 1—Repeals**

### ***Disclosure of Information to Prescribed International Organisations 2016/068***

#### **1 The whole of the instrument**

Repeal the instrument.

## EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration and Citizenship

*Migration Regulations 1994*

*Migration (Disclosure of Information to Prescribed International Organisations)  
Instrument 2025*

The instrument, departmental reference LIN 25/076, is made under regulation 5.34E of the *Migration Regulations 1994* (the Migration Regulations).

The instrument repeals *Disclosure of Information to Prescribed International Organisations 2016/068* (IMMI 16/068) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument. IMMI 16/068 would otherwise be repealed by sunset on 1 October 2026 by operation of section 50 of the *Legislation Act 2003* (the Legislation Act).

### ***Purpose of the instrument***

Paragraph 336F(1)(e) of the *Migration Act 1958* (the Migration Act) provides that the Secretary or Australian Border Force Commissioner may, in writing, authorise a specified officer, or any officer included in a specified class of officers, to disclose identifying information of the kind specified in the authorisation to one or more prescribed international organisations.

Regulation 5.34E of the Migration Regulations provides that for the purpose of paragraph 336F(1)(e) of the Migration Act, an organisation that is specified in a legislative instrument made by the Minister is a prescribed international organisation.

The purpose of this instrument is to specify the prescribed international organisations to which authorised officers may disclose identifying information under regulation 5.34E of the Migration Regulations. The instrument also operates to repeal IMMI 16/068 (which otherwise would have sunset on 1 October 2026).

The instrument omits two bodies that were included in IMMI 16/068, the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, both of which have now closed. The instrument includes one new body, the International Residual Mechanism for Criminal Tribunals, which has assumed the functions and the residual work of the two previous tribunals. The inclusion of the International Residual Mechanism for Criminal Tribunals enables continued information-sharing relating to the genocide and other serious violations of international humanitarian law in Rwanda and to war crimes in the former Yugoslavia.

The other bodies are unchanged from IMMI 16/068. Minor changes have also been made to simplify and modernise the drafting of the instrument. The instrument lists the following international organisations:

- International Committee of the Red Cross;
- International Federation of the Red Cross and Red Crescent Societies;
- International Monetary Fund;
- International Residual Mechanism for Criminal Tribunals;
- Interpol;
- The International Organisation for Migration;
- The United Nations.

#### ***Parliamentary scrutiny and other matters***

The instrument is exempt from disallowance under section 42 of the *Legislation Act 2003*. This is because a legislative instrument made under Part 5 of the Migration Regulations is prescribed under table item 20(b) of section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* as an instrument not subject to disallowance. A Statement of Compatibility with Human Rights is therefore not required.

The instrument commences on the day after it is registered on the Federal Register of Registration.

Further details of the instrument are set out in **Attachment A**.

The Department of Home Affairs (the Department) consulted the Department of Foreign Affairs and Trade (DFAT) and the Attorney-General's Department on the specification of the International Residual Mechanism for Criminal Tribunals as a prescribed international organisation in this instrument. No other consultation was deemed necessary because this instrument does not substantially alter existing arrangements and the current settings are still necessary and appropriate.

The Migration Regulations specify no conditions that need to be satisfied before the power to make the instrument may be exercised.

**Details of the Migration (Disclosure of Information to Prescribed International Organisations) Instrument 2025**

**Section 1 – Name of Instrument**

This section sets out the name of the instrument, which is *the Migration (Disclosure of Information to Prescribed International Organisations) Instrument 2025*.

**Section 2 – Commencement**

This section provides that the instrument commences on the day after it is registered on the Federal Register of Legislation.

**Section 3 – Authority**

This section provides that this instrument is made under regulation 5.34E of the *Migration Regulations 1994* (the Migration Regulations).

**Section 4 – Definitions**

This section provides definitions for expressions used in the instrument.

**Section 5 – Schedules**

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Section 6 – Prescribed international organisations for the disclosure of information**

This section provides that, for the purposes of paragraph 336F(1)(d) of the *Migration Act 1958* (the Migration Act) and under regulation 5.34E of the Migration Regulations, each of the following organisations are specified as a prescribed international organisation:

- International Committee of the Red Cross;
- International Federation of the Red Cross and Red Crescent Societies;
- International Monetary Fund;
- International Residual Mechanism for Criminal Tribunals;
- Interpol;
- The International Organisation for Migration;
- The United Nations

The instrument omits two bodies that were included in IMMI 16/068, the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, both of which have now closed. The instrument includes one new body (the International Residual Mechanism for Criminal Tribunals), which has assumed the functions and the residual work of the two previous tribunals. The inclusion of the new body enables continued information-sharing relating to the genocide and other serious violations of international humanitarian law in Rwanda and to war crimes in the former Yugoslavia.

The other bodies are unchanged from IMMI 16/068.

The instrument specifies these organisations as prescribed international organisations to which an authorised officer (as provided for in paragraph 336F(1)(e) of the Act) can provide identifying information.

### **Schedule 1 – Repeals**

#### **Item [1] – The whole of the instrument**

Item 1 of Schedule 1 to the instrument operates, with section 5 of the instrument, to repeal the *Disclosure of Information to Prescribed International Organisations 2016/068*.