



Australian Government
Department of Home Affairs

LIN 23/015

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

I, Kaylene Zakharoff, delegate of the Minister, make this instrument under subregulations 3.10A(1) and (2) of the *Migration Regulations 1994* (the ***Regulations***).

Dated 11 July 2023

Kaylene Zakharoff

Deputy Commissioner
Strategy & Capability Group
Australian Border Force

Contents

1	Name	3
2	Commencement	3
3	Definitions	3
4	Prescribed Commonwealth, State or Territory legislation	3
5	Prescribed agencies, employees and purposes	3
6	Repeal	4
	Schedule 1 Commonwealth, State or Territory legislation	5
	Schedule 2 Agencies, employees and purposes	12

1 Name

This instrument is the *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023*.

2 Commencement

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

3 Definitions

(1) In this instrument:

security vetting includes pre-employment screening and ongoing assessment of the eligibility and suitability of person to be employed by that 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

4 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.

5 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 Schedule 2 is specified; and
- (b) each employee mentioned in an item of Schedule 2 is specified for the agency mentioned in the item; and
- (c) each purpose mentioned in an item of Schedule 2 is specified for the agency mentioned in the 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 prohibited under subsection 488(1) of the Act—see paragraph 488(2)(g) of the Act.

6

Repeal

Migration (LIN 20/033: Access to Movement Records) Instrument 2020 (F2020L00345) is repealed.

Schedule 1 Commonwealth, State or Territory legislation

(section 4)

Item	Specified legislation
1	<i>Administrative Appeals Tribunal Act 1975</i> (Cth)
2	<i>Adoption Act 2000</i> (NSW)
3	<i>Adoption Regulations 2015</i> (NSW)
4	<i>A New Tax System (Australian Business Number) Act 1999</i> (Cth)
5	<i>A New Tax System (Family Assistance) Act 1999</i> (Cth)
6	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth)
7	<i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth)
8	<i>A New Tax System (Luxury Car Tax) Act 1999</i> (Cth)
9	<i>A New Tax System (Wine Equalisation Tax) Act 1999</i> (Cth)
10	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> (Cth)
11	<i>Archives Act 1983</i> (Cth)
12	<i>AusCheck Act 2007</i> (Cth)
13	<i>AusCheck Regulations 2017</i> (Cth)
14	<i>Australian Border Force Act 2015</i> (Cth)
15	<i>Australian Bureau of Statistics Act 1975</i> (Cth)
16	<i>Australian Citizenship Act 2007</i> (Cth)
17	<i>Australian Crime Commission Act 2002</i> (Cth)
18	<i>Australian Federal Police Act 1979</i> (Cth)
19	<i>Australian Hearing Services Act 1991</i> (Cth)
20	<i>Australian Human Rights Commission Act 1986</i> (Cth)
21	<i>Australian Institute of Health and Welfare Act 1987</i> (Cth)
22	<i>Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018</i> (Cth)
23	<i>Australian Meat and Live-stock Industry Act 1997</i> (Cth)
24	<i>Australian Passports Act 2005</i> (Cth)
25	<i>Australian Securities and Investments Commission Act 2001</i> (Cth)
26	<i>Australian Security Intelligence Organisation Act 1979</i> (Cth)
27	<i>Aviation Transport Security Act 2004</i> (Cth)
28	<i>Aviation Transport Security Regulations 2005</i> (Cth)
29	<i>Back to Work Act 2015</i> (Vic)
30	<i>Bail Act 1977</i> (Vic)
31	<i>Bail Act 1982</i> (WA)
32	<i>Bankruptcy Act 1966</i> (Cth)
33	<i>Bankruptcy Regulations 2021</i> (Cth)
34	<i>Betting Tax Act 2001</i> (NSW)
35	<i>Biosecurity Act 2015</i> (Cth)
36	<i>Biosecurity Charges Imposition (Customs) Act 2015</i> (Cth)
37	<i>Biosecurity Charges Imposition (Excise) Act 2015</i> (Cth)

Item	Specified legislation
38	<i>Biosecurity Charges Imposition (General) Act 2015 (Cth)</i>
39	<i>Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015 (Cth)</i>
40	<i>Building Boost Grant Act 2011 (Qld)</i>
41	<i>Building Services (Complaint Resolution and Administration) Act 2011 (WA)</i>
42	<i>Building Services (Registration) Act 2011 (WA)</i>
43	<i>Business Names Registration Act 2011 (Cth)</i>
44	<i>Business Names Registration (Transitional and Consequential Provisions) Act 2011 (Cth)</i>
45	<i>Care and Protection of Children Act 2007 (NT)</i>
46	<i>Census and Statistics Act 1905 (Cth)</i>
47	<i>Child and Young People (Safety) Act 2007 (SA)</i>
48	<i>Child Care Act 1972 (Cth)</i>
49	<i>Child Protection Act 1999 (Qld)</i>
50	<i>Children and Community Services Act 2004 (WA)</i>
51	<i>Children and Young People Act 2008 (ACT)</i>
52	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
53	<i>Children and Young Persons (Care and Protection) Regulation 2022 (NSW)</i>
54	<i>Children, Young Persons and Their Families Act (Tas)</i>
55	<i>Child Support (Assessment) Act 1989 (Cth)</i>
56	<i>Child Support Legislation Amendment (Reform of the Child Support Scheme – New Formula and Other Measures) Act 2006 (Cth)</i>
57	<i>Child Support (Registration and Collection) Act 1988 (Cth)</i>
58	<i>Children, Youth and Families Act 2005 (Vic)</i>
59	<i>Civil Aviation Act 1988 (Cth)</i>
60	<i>Civil Aviation Regulations 1988 (Cth)</i>
61	<i>Civil Aviation Safety Regulations 1998 (Cth)</i>
62	<i>Commonwealth Electoral Act 1918 (Cth)</i>
63	<i>Competition and Consumer Act 2010 (Cth)</i>
64	<i>Confiscation Act 1997 (Vic)</i>
65	<i>Confiscation of Criminal Assets Act 2003 (ACT)</i>
66	<i>Confiscation of Proceeds of Crime Act 1989 (NSW)</i>
67	<i>Coroners Act 1993 (NT)</i>
68	<i>Coroners Act 1995 (Tas)</i>
69	<i>Coroners Act 1996 (WA)</i>
70	<i>Coroners Act 1997 (ACT)</i>
71	<i>Coroners Act 2003 (Qld)</i>
72	<i>Coroners Act 2003 (SA)</i>
73	<i>Coroners Act 2008 (Vic)</i>
74	<i>Coroners Act 2009 (NSW)</i>

Item	Specified legislation
75	<i>Corporations Act 2001</i> (Cth)
76	<i>Corrections Act 1986</i> (Vic)
77	<i>Crimes Act 1900</i> (ACT)
78	<i>Crimes Act 1900</i> (NSW)
79	<i>Crimes Act 1914</i> (Cth)
80	<i>Crimes Act 1958</i> (Vic)
81	<i>Confiscation Act 1997</i> (Vic)
82	<i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)
83	<i>Crimes (Sentencing Procedure) Act 1999</i> (NSW)
84	<i>Criminal Code Act 1899</i> (Qld)
85	<i>Criminal Code Act 1924</i> (Tas)
86	<i>Criminal Code Act 1983</i> (NT)
87	<i>Criminal Code Act 1995</i> (Cth)
88	<i>Criminal Code Act Compilation Act 1913</i> (WA)
89	<i>Criminal Investigation Act 2006</i> (WA)
90	<i>Criminal Law Consolidation Act 1935</i> (SA)
91	<i>Criminal Property Confiscation Act 2000</i> (WA)
92	<i>Criminal Property Forfeiture Act 2002</i> (NT)
93	<i>Dental Benefits Act 2008</i> (Cth)
94	<i>Disability Services Act 1986</i> (Cth)
95	<i>Domestic and Family Violence Act 2007</i> (NT)
96	<i>Domestic and Family Violence Protection Act 2012</i> (Qld)
97	<i>Drugs Misuse Act 1986</i> (Qld)
98	<i>Drug Misuse and Trafficking Act 1985</i> (NSW)
99	<i>Drugs, Poisons and Controlled Substances Act 1981</i> (Vic)
100	<i>Duties Act 1997</i> (NSW)
101	<i>Duties Act 2000</i> (Vic)
102	<i>Duties Act 2001</i> (Tas)
103	<i>Duties Act 2008</i> (WA)
104	<i>Education Act 1990</i> (NSW)
105	<i>Education Services for Overseas Students Act 2000</i> (Cth)
106	<i>Emergency Services Levy Act 2017</i> (NSW)
107	<i>Excise Tariff Act 1921</i> (Cth)
108	<i>Expiation of Offences Act 1996</i> (SA)
109	<i>Export Control Act 2020</i> (Cth)
110	<i>Extradition Act 1988</i> (Cth)
111	<i>Fair Trading Act 1987</i> (NSW)
112	<i>Fair Trading Act 2010</i> (WA)

Item	Specified legislation
113	<i>Fair Work Act 2009</i> (Cth)
114	<i>Family Court Act 1997</i> (WA)
115	<i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth)
116	<i>Family Law (Child Protection Convention) Regulations 2003</i> (Cth)
117	<i>Family Law Regulations 1984</i> (Cth)
118	<i>Family Violence Act 2004</i> (Tas)
119	<i>Family Violence Act 2016</i> (ACT)
120	<i>Family Violence Protection Act 2008</i> (Vic)
121	<i>Farm Household Support Act 2014</i> (Cth)
122	<i>Financial Transaction Reports Act 1988</i> (Cth)
123	<i>Fines Act 1996</i> (NSW)
124	<i>Fire Services Property Levy Act 2012</i> (Vic)
125	<i>Firearms Act 1996</i> (Vic)
126	<i>First Home and Housing Construction Grants Act 2000</i> (SA)
127	<i>First Home Owner Grant Act 2000</i> (ACT)
128	<i>First Home Owner Grant Act 2000</i> (NT)
129	<i>First Home Owner Grant and Other Home Owner Grants Act 2000</i> (Qld)
130	<i>First Home Owner Grant Act 2000</i> (Tas)
131	<i>First Home Owner Grant and Home Buyer Schemes Act 2000</i> (Vic)
132	<i>First Home Owner Grant Act 2000</i> (WA)
133	<i>First Home Owner Grant and Shared Equity Act 2000</i> (NSW)
134	<i>Fringe Benefits Tax Assessment Act 1986</i> (Cth)
135	<i>Fuel Tax Act 2006</i> (Cth)
136	<i>Health Administration Act 1982</i> (NSW)
137	<i>Health and Other Services (Compensation) Act 1995</i> (Cth)
138	<i>Health Care Complaints Act 1993</i> (NSW)
139	<i>Health Insurance Act 1973</i> (Cth)
140	<i>Health Insurance Levies Act 1982</i> (NSW)
141	<i>Health Ombudsman Act 2013</i> (Qld)
142	<i>Health Practitioner Regulation (Adoption of National Law) Act 2009</i> (NSW)
143	<i>Health Practitioner Regulation National Law Act 2009</i> (Qld)
144	<i>Higher Education Support Act 2003</i> (Cth)
145	<i>Human Services (Medicare) Act 1973</i> (Cth)
146	<i>Illegal Logging Prohibition Act 2012</i> (Cth)
147	<i>Immigration (Education) Act 1971</i> (Cth)
148	<i>Immigration (Education) Regulations 2018</i> (Cth)
149	<i>Immigration (Guardianship of Children) Act 1946</i> (Cth)
150	<i>Immigration (Guardianship of Children) Regulations 2018</i> (Cth)

Item	Specified legislation
151	<i>Imported Food Control Act 1992</i> (Cth)
152	<i>Income Tax Assessment Act 1936</i> (Cth)
153	<i>Income Tax Assessment Act 1997</i> (Cth)
154	<i>Industrial Relations Act 1979</i> (WA)
155	<i>Information Act 2002</i> (NT)
156	<i>Insurance Contracts Act 1984</i> (Cth)
157	<i>Intelligence Services Act 2001</i> (Cth)
158	<i>International Criminal Court Act 2002</i> (Cth)
159	<i>International Transfer of Prisoners Act 1997</i> (Cth)
160	<i>International War Crimes Tribunal Act 1995</i> (Cth)
161	<i>Land Tax Act 1956</i> (NSW)
162	<i>Land Tax Act 2000</i> (Tas)
163	<i>Land Tax Act 2005</i> (Vic)
164	<i>Land Tax Act 2010</i> (Qld)
165	<i>Land Tax Assessment Act 2002</i> (WA)
166	<i>Land Tax Management Act 1956</i> (NSW)
167	<i>Life Insurance Act 1995</i> (Cth)
168	<i>Long Service Leave Act 1958</i> (WA)
169	<i>Maritime Transport and Offshore Facilities Security Act 2003</i> (Cth)
170	<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i> (Cth)
171	<i>Medical Indemnity Act 2002</i> (Cth)
172	<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i> (Cth)
173	<i>Migration Regulations 1994</i> (Cth)
174	<i>Minimum Conditions of Employment Act 1993</i> (WA)
175	<i>Misuse of Drugs Act 1981</i> (WA)
176	<i>Mutual Assistance in Criminal Matters Act 1987</i> (Cth)
177	<i>National Consumer Credit Protection Act 2009</i> (Cth)
178	<i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> (Cth)
179	<i>National Disability Insurance Scheme Act 2013</i> (Cth)
180	<i>National Health Act 1953</i> (Cth)
181	<i>National Health Reform Act 2011</i> (Cth)
182	<i>National Health Security Act 2007</i> (Cth)
183	<i>Oaths Act 1900</i> (NSW)
184	<i>Office of National Intelligence Act 2018</i> (Cth)
185	<i>Ombudsman Act 1976</i> (Cth)
186	<i>Paid Parental Leave Act 2010</i> (Cth)
187	<i>Payroll Tax Act 2007</i> (Vic)
188	<i>Payroll Tax Act 2007</i> (NSW)

Item	Specified legislation
189	<i>Payroll Tax Act 2008</i> (Tas)
190	<i>Payroll Tax Act 2009</i> (SA)
191	<i>Pay-roll Tax Assessment Act 2002</i> (WA)
192	<i>Police Powers and Responsibilities Act 2000</i> (Qld)
193	<i>Prisons Act 1981</i> (WA)
194	<i>Proceeds of Crime Act 2002</i> (Cth)
195	<i>Product Grants and Benefits Administration Act 2000</i> (Cth)
196	<i>Public Health Act 2010</i> (NSW)
197	<i>Residential Tenancies Act 1987</i> (WA)
198	<i>Residential Tenancies Act 2010</i> (NSW)
199	<i>Restraining Orders Act 1997</i> (WA)
200	<i>Retirement Savings Accounts Act 1997</i> (Cth)
201	<i>Road Safety Act 1986</i> (Vic)
202	<i>Road Transport Act 2013</i> (NSW)
203	<i>Safety Rehabilitation and Compensation Act 1988</i> (Cth)
204	<i>Sentence Administration Act 2003</i> (WA)
205	<i>Sentencing Act 2017</i> (SA)
206	<i>Sentencing Act 1995</i> (WA)
207	<i>Small Superannuation Accounts Act 1995</i> (Cth)
208	<i>Social Security Act 1991</i> (Cth)
209	<i>Social Security (Administration) Act 1999</i> (Cth)
210	<i>Social Security (International Agreements) Act 1999</i> (Cth)
211	<i>Sport Integrity Australia Act 2020</i> (Cth)
212	<i>Sport Integrity Australia Regulations 2020</i> (Cth)
213	<i>State Debt Recovery Act 2018</i> (NSW)
214	<i>Student Assistance Act 1973</i> (Cth)
215	<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i> (Cth)
216	<i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i> (Cth)
217	<i>Superannuation (Departing Australia Superannuation Payments Tax) Act 2007</i> (Cth)
218	<i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i> (Cth)
219	<i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)
220	<i>Superannuation Industry (Supervision) Act 1993</i> (Cth)
221	<i>Superannuation Industry (Supervision) Regulations 1994</i> (Cth)
222	<i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> (Cth)
223	<i>Tax Agent Services Act 2009</i> (Cth)
224	<i>Taxation Administration Act 1953</i> (Cth)
225	<i>Taxation Administration Act 1996</i> (NSW)
226	<i>Taxation Administration Act 1996</i> (SA)

Item	Specified legislation
227	<i>Taxation Administration Act 1997 (Tas)</i>
228	<i>Taxation Administration Act 1997 (Vic)</i>
229	<i>Taxation Administration Act 1999 (ACT)</i>
230	<i>Taxation Administration Act 2001 (Qld)</i>
231	<i>Taxation Administration Act 2003 (WA)</i>
232	<i>Taxation Administration Act 2007 (NT)</i>
233	<i>Terrorism (Community Protection) Act 2003 (Vic)</i>
234	<i>Terrorism (High Risk Offenders) Act 2017 (NSW)</i>
235	<i>Trade Support Loans Act 2014 (Cth)</i>
236	<i>Unclaimed Money Act 1995 (NSW)</i>
237	<i>Unclaimed Money Act 2008 (Vic)</i>
238	<i>Veterans' Entitlements Act 1986 (Cth)</i>
239	<i>Water Efficiency Labelling and Standards Act 2005 (Cth)</i>
240	<i>Weapons Act 1990 (Qld)</i>
241	<i>Weapons Act 1999 (WA)</i>
242	<i>Witness Protection Act 1994 (Cth)</i>

Schedule 2 **Agencies**, employees and purposes

(section 5)

Item	Agency	Employee	Purpose
1	Administrative Appeals Tribunal (AAT)	APS 3 to EL2	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 Appeals Tribunal Act 1975</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 Acts 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"> Intelligence Operations Covert Collections and Insights 	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)
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:	To perform statutory duties and functions directly in relation to the administration of the <i>Commonwealth Electoral Act 1918</i> (Cth)

Item	Agency	Employee	Purpose
		(a) Assistant Commissioner; (b) Director; (c) Assistant Director; (d) Senior Project Officer; (e) Project Officer	
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 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, AFP employee (as defined in the AFP Act) or AFP appointee who is engaged under section 69A of the AFP Act, who in the course of 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; (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	(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; (iii) mutual assistance, or mutual assistance requests; (iv) 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);

Item	Agency	Employee	Purpose
		Law Section; (i) Legal Officer, International Family Law Section; (j) Case Officer, International Family Law Section; (k) Graduate, International Family Law Section	(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 (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)	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) <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);

Item	Agency	Employee	Purpose
			(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); (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	(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

Item	Agency	Employee	Purpose
		functions on behalf of ASIO; (b) assist authorised vetting agencies (including ASIO) to conduct security vetting for Commonwealth, State and Territory agencies	
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; (d) Fraud Prevention and International Investigations 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); (b) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth); (c) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth); (d) <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth); (e) <i>A New Tax System (Luxury Car Tax) Act 1999</i> (Cth); (f) <i>A New Tax System (Wine Equalisation Tax) Act 1999</i> (Cth); (g) <i>Freedom of Information Act 1982</i> (Cth); (h) <i>Fringe Benefits Tax Assessment Act 1986</i> (Cth); (i) <i>Higher Education Support Act 2003</i> (Cth); (j) <i>Income Tax Assessment Act 1936</i> (Cth); (k) <i>Income Tax Assessment Act 1997</i> (Cth); (l) <i>Privacy Act 1988</i> (Cth); (m) <i>Public Governance, Performance and Accountability Act 2013</i> (Cth); (n) <i>Public Service Act 1999</i> (Cth); (o) <i>Retirement Savings Accounts Act 1997</i> (Cth); (p) <i>Social Security Act 1991</i> (Cth); (q) <i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i> (Cth); (r) <i>Superannuation (Unclaimed Money and Lost Members)</i>

Item	Agency	Employee	Purpose
			<p><i>Act 1999 (Cth);</i></p> <p>(s) <i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997 (Cth);</i></p> <p>(t) <i>Superannuation Guarantee (Administration) Act 1992 (Cth);</i></p> <p>(u) <i>Superannuation Industry (Supervision) Act 1993 (Cth);</i></p> <p>(v) <i>Taxation (Interest on Overpayments and Early Payments) Act 1983 (Cth);</i></p> <p>(w) <i>Taxation Administration Act 1953 (Cth);</i></p> <p>(x) <i>Trade Support Loans Act 2014 (Cth)</i></p>
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	<p>To perform statutory duties and associated functions directly in relation to the administration of the following Acts:</p> <p>(a) <i>Anti-Money Laundering and Counter Terrorism-Financing Act 2006 (Cth);</i></p> <p>(b) <i>Financial Transaction Reports Act 1988 (Cth)</i></p>
15	Clean Energy Regulator (CER)	<p>Any of the following:</p> <p>(a) APS 4, APS 5, APS 6, EL1 or EL 2 in the Intelligence and Analytics Section;</p> <p>(b) APS 5, APS 6, EL1 or EL 2 in the Investigations Section;</p> <p>(c) APS 5, APS 6, EL1 or EL 2 in the Small Scale Renewable Energy Scheme Compliance Section, Assurance and Information Branch;</p> <p>(d) SES 1 in the Regulatory Obligation and Coordination Branch;</p> <p>(e) SES 2 in the Regulatory Obligation and Coordination Branch;</p> <p>(f) SES 1 in the Participation and Compliance Branch;</p> <p>(g) SES 2 in the Scheme Entry and Entitlement Division</p>	<p>To perform statutory duties and associated functions directly in relation to the administration of the following Acts:</p> <p>(a) <i>Carbon Credits (Carbon Farming Initiative) Act 2011 (Cth);</i></p> <p>(b) <i>Clean Energy Legislation (Carbon Tax Repeal) Act 2014 (Cth);</i></p> <p>(c) <i>Clean Energy Regulator Act 2011 (Cth);</i></p> <p>(d) <i>National Greenhouse and Energy Reporting Act 2007 (Cth);</i></p> <p>(e) <i>Renewable Energy (Electricity) Act 2000 (Cth)</i></p>

Item	Agency	Employee	Purpose
16	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)
17	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.
18	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 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
19	Department of Foreign Affairs and Trade (DFAT)	Any of the following: (a) Consular Officers and Case Officers, Canberra; (b) Consular Officers, Passports, London;	(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);

Item	Agency	Employee	Purpose
		(c) Consular Officers, Passports, Washington; (d) Director, Passports/Consular, Washington; (e) Eligibility Officers, Passports, Adelaide; (f) Eligibility Officers, Passports, Brisbane; (g) Eligibility Officers, Passports, Canberra; (h) Eligibility Officers, Passports, Darwin; (i) Eligibility Officers, Passports, London; (j) Eligibility Officers, Passports, Melbourne; (k) Eligibility Officers, Passports, Perth; (l) Eligibility Officers, Passports, Sydney; (m) Eligibility Officers, Passports, Hobart; (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;	(ii) <i>Foreign Passports (Law Enforcement and Security) Act 2005 (Cth)</i> ; (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
		(zj) Regional Director, Passports, Sydney; (zk) Employee engaged in conducting security vetting for Commonwealth, State and Territory agencies	
20	Department of Health and Aged Care	Any of the following: (a) APS4 to EL2 in Provider Benefits Audits; (b) APS4 to EL2 in Provider Benefits Investigations; (c) APS 4 to EL2 in Provider Benefits Preliminary Analysis; (d) APS 4 to EL2 in the Provider Benefits Integrity Division; (e) APS4 to EL2 in the Health Emergency Management Branch, Office of Health Protection Division; (f) an officer undertaking functions within the National Health Incident Room in the Health Emergency Management Branch of the Office of Health Protection Division	(a) To perform statutory duties and associated functions, directly in relation to the administration of the following Acts to ensure the protection of public revenue and the integrity of payments made under the following: (i) <i>Health Insurance Act 1973</i> (Cth); (ii) <i>National Health Act 1953</i> (Cth); or (b) to identify individuals at risk of exposure to public health hazards; (c) to supply contact information to the relevant jurisdiction's health department or ministry under the <i>National Health Security Act 2007</i> (Cth)
21	Department of Home Affairs	An employee who is responsible for: (a) liaising with Asia Pacific Economic Cooperation (APEC); (b) managing integrated management reporting; (c) assisting police with missing persons investigations; (d) assisting DFAT in the provision of movement records for consular functions or activities during international event situations; (e) engaging in conducting security vetting for Commonwealth, State and Territory agencies	To perform statutory duties and associated functions directly in relation to the administration of the following: (a) to assess an individual's eligibility for the APEC travel card; (b) to manage integrated management reporting; (c) to perform border-related functions; (d) to assist the AFP and State and Territory police forces, with missing persons investigations; (e) to assist with consular enquiries and activities; (f) to assist authorised vetting agencies (including the Department of Home Affairs) to conduct security vetting; (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)

Item	Agency	Employee	Purpose
22	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)
23	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); (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)
24	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	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)
25	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)
26	National Disability Insurance Agency (NDIA)	Any of the following: (a) APS4 to EL2 in the Scheme Integrity Branch; (b) APS4 to EL2 in the National Access and Reviews Branch	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)

Item	Agency	Employee	Purpose
27	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
28	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); (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
29	Office of National Intelligence (ONI)	An employee who has responsibility to: (a) perform statutory duties and associated functions on behalf of the ONI; or	(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

Item	Agency	Employee	Purpose
		(b) assist authorised vetting agencies (including ASIO) to conduct security vetting for Commonwealth, State and Territory agencies	conduct security vetting
30	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); (iii) <i>First Home Owner Grant and Other Home Owner Grants Act 2000</i> (Qld); (iv) <i>Land Tax Act 2010</i> (Qld); (v) <i>Mineral Resources Act 1989</i> (Qld); (vi) <i>Payroll Tax Act 1971</i> (Qld); (vii) <i>Petroleum Act 1923</i> (Qld); (viii) <i>State Penalties Enforcement Act 1999</i> (Qld); (ix) <i>Taxation Administration Act 2001</i> (Qld)
31	Office of State Revenue, Western Australia	Any of the following: (a) Level 3 to 7 employee in the Payroll Tax, Duties, Land Tax and First Home Owner Grant Investigation teams; (b) Level 2 to 6 employee in the Analysis and Support and Business Intelligence Solutions teams; (c) Level 8 to Class 1 employee in Compliance and Operations Group 1 Management; (d) Level 3 to 6 employee in the Grants and Subsidies, Recovery, and Land Tax teams	To assist in the administration and enforcement of revenue laws (including, but not limited to, data matching, determining residency of persons and facilitating the investigation of cases involving the evasion and avoidance of duties, taxes, grants and subsidies) directly in relation to the administration of the following Acts: (a) <i>Duties Act 2008</i> (WA); (b) <i>First Home Owner Grant Act 2000</i> (WA); (c) <i>Land Tax Assessment Act 2002</i> (WA); (d) <i>Pay-roll Tax Assessment Act 2002</i> (WA); (e) <i>Taxation Administration Act 2003</i> (WA)

Item	Agency	Employee	Purpose
32	Office of the Health Ombudsman, Queensland	Any of the following: (a) Administrative Officer Level 3 to Senior Officer Level 1 in the Investigations Division; (b) Executive Director Investigations in the Investigations Division; (c) Administrative Officer Level 4 to Senior Officer Level 1 in the Monitoring and Compliance Team in the Investigations Division; (d) Administrative Officer Level 4 in the Immediate Action Team; (e) Administrative Officer Level 6 to Senior Officer Level 1 in the Immediate Action Team; (f) Administrative Officer Level 3 and Administrative Officer Level 4 in the Legal Services Division; (g) Professional Officer Level 4 to Professional Officer Level 6 in the Legal Services Division	To perform statutory duties and associated functions directly in relation to the administration of the <i>Health Ombudsman Act 2013</i> (Qld)
33	Professional Services Review Agency (PSR)	Staff in the Case Management Unit: (a) APS 5 Legal Case Manager; (b) APS 6 Legal Case Manager; (c) Executive Level 1 Senior Legal Officer; (d) Executive Level 2 Principal Legal Officer; (e) Executive Level 2 Special Counsel; (f) SES Band 1 General Counsel; (g) SES Band 1 Executive Officer	(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: (i) <i>Health Insurance Act 1973</i> (Cth); (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
34	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	(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);

Item	Agency	Employee	Purpose
		(b) is engaged in investigations involving persons who have been reported as missing	(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
35	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); (vii) <i>Land Tax Management Act 1956</i> (NSW); (viii) <i>Mining Act 1992</i> (NSW); (ix) <i>Offshore Minerals Act 1999</i> (NSW); (x) <i>Parking Space Levy Act 2009</i> (NSW); (xi) <i>Payroll Tax Act 2007</i> (NSW); (xii) <i>Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011</i> (NSW); (xiii) <i>Petroleum (Offshore) Act 1982</i> (NSW); (xiv) <i>Petroleum (Onshore) Act 1991</i> (NSW); (xv) <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> (NSW); (xvi) <i>Small Business Grants (Employment Incentive) Act 2015</i> (NSW); (xvii) <i>State Debt Recovery Act 2018</i> (NSW); (xviii) <i>Taxation Administration Act 1996</i> (NSW); (xix) <i>Unclaimed Money Act 1995</i> (NSW);

Item	Agency	Employee	Purpose
			(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: (i) <i>Fines Act 1996</i> (NSW); (ii) <i>Health Services Act 1997</i> (NSW); (iii) <i>Road Transport Act 2013</i> (NSW)
36	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	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: (a) <i>First Home and Housing Construction Grants Act 2000</i> (SA); (b) <i>Taxation Administration Act 1996</i> (SA)
37	Services Australia	Any of the following: (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) APS 4 and above, with responsibility for customer service recovery action, in relation to social security and family assistance benefits; (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) APS 4 and above, with responsibility for identification, investigation and prevention of incorrect payments and fraud; (e) APS 3 and above, with responsibility for identification, investigation and prevention of	(a) To verify immigration status and residence status for determination of eligibility and entitlements for social security and family assistance benefits; or (b) to identify and prevent overpayments, and to ensure accuracy of claimant data; or (c) to give effect to Australia's international obligations in relation to reciprocal social security agreements; or (d) to verify immigration status and residence status to determine eligibility assessments for child support; or (e) to give effect to Australia's international obligations in relation to reciprocal enforcement of child support; or (f) to enforce child support liabilities; or (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 (h) to ensure accuracy of claimant data for the Medicare program and the Pharmaceutical Benefits Scheme; or

Item	Agency	Employee	Purpose
		incorrect payments;	(i) to support the investigation of offences against programs administered by Services Australia directly in relation to the following Acts:
		(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;	(i) <i>A New Tax System (Family Assistance) Act 1999</i> (Cth);
		(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;	(ii) <i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth);
		(h) APS 4 and above, with responsibility for customer service recovery action in relation to child support benefits;	(iii) <i>Australian Hearing Services Act 1991</i> (Cth);
		(i) APS 3 and above with responsibility for identification, investigation and enforcement of child support liabilities;	(iv) <i>Child Support (Assessment) Act 1989</i> (Cth);
		(j) APS 4 and above with responsibility for identification and investigation of incorrect payments and investigation of offences against Medicare programs;	(v) <i>Child Support (Registration and Collection) Act 1988</i> (Cth);
		(k) APS 4 and above with responsibility for customer service recovery action in relation to Medicare benefits	(vi) <i>Dental Benefits Act 2008</i> (Cth);
			(vii) <i>Disability Services Act 1986</i> (Cth);
			(viii) <i>Farm Household Support Act 2014</i> (Cth);
			(ix) <i>Health and Other Services (Compensation) Act 1995</i> (Cth);
			(x) <i>Health Insurance Act 1973</i> (Cth);
			(xi) <i>National Health Act 1953</i> (Cth);
			(xii) <i>Paid Parental Leave Act 2010</i> (Cth);
			(xiii) <i>Social Security (Administration) Act 1999</i> (Cth);
			(xiv) <i>Student Assistance Act 1973</i> (Cth);
			(xv) <i>Social Security Act 1991</i> (Cth);
			(xvi) <i>Social Security (International Agreements) Act 1999</i> (Cth)
38	South Australia Police (SA Police)	An officer or member who:	(a) To perform statutory duties and associated functions directly in relation to the following Acts:
		(a) has responsibility to perform statutory duties and associated functions on behalf of SA Police;	(i) <i>Coroners Act 2003</i> (SA);
		(b) is engaged in investigations involving persons who have been reported as missing	(ii) <i>Crimes Act 1914</i> (Cth);
			(iii) <i>Criminal Law Consolidation Act 1935</i> (SA);
			(iv) <i>Sentencing Act 2017</i> (SA); 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

Item	Agency	Employee	Purpose
39	Sport Integrity Australia	Any of the following: (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; (b) an employee who coordinates a national approach to matters relating to sports integrity	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>Sports Integrity Australia Act 2020</i> (Cth).
40	State Revenue Office, Victoria (SRO Vic)	Any of the following: (a) Area Manager; (b) Program Manager; (c) Principal Investigator; (d) Senior Investigator; (e) Investigator; (f) Revenue Reporting Analyst; (g) Strategic Liaison Officer; (h) Senior Analyst; (i) Senior Administration Officer	To perform statutory duties directly in relation to the performance of one or more of the functions of legislation 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)
41	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

Item	Agency	Employee	Purpose
			(c) to conduct missing persons investigations
42	Tax Practitioners Board	An employee of the Tax Practitioners Board with responsibility to perform statutory duties and associated functions under the <i>Tax Agents 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)
43	Victoria Police	An officer or employee who: (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	(a) To perform statutory duties and associated functions directly in relation to the following Acts: (i) <i>Coroners Act 2008</i> (Vic); (ii) <i>Crimes Act 1914</i> (Cth); (iii) <i>Crimes Act 1958</i> (Vic); (iv) <i>Sentencing Act 1991</i> (Vic); (v) <i>Victoria Police Act 2013</i> (Vic); 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
44	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

Item	Agency	Employee	Purpose
			the WA Police Force

EXPLANATORY STATEMENT

Issued by authority of the Minister for Home Affairs

Migration Regulations 1994

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

- 1 The instrument, Departmental reference LIN 23/015, is made under subregulations 3.10A(1) and (2) of the *Migration Regulations 1994* (the Regulations).
- 2 The instrument repeals *Migration (LIN 20/033: Access to Movement Records) Instrument 2020* (LIN 20/033) in accordance with subsections 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 the day after registration, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 Subsection 488(1) of the *Migration Act 1958* (the 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 the Act.**
 - Subparagraph 488(2)(a)(vii) of the 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.
 - 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 the actions prohibited by subsection 488(1) of the Act for prescribed purposes.
- 5 Subregulation 3.10A(1) of the Regulations provides that **the prescribed legislation** for subparagraph 488(2)(a)(vii) of the Act is that specified by the Minister in an instrument in writing.
 - Similarly, subregulation 3.10A(2) of the Regulations provides that for paragraph 488(2)(g) of the Act, the Minister may **specify a Commonwealth, State or Territory agency, an employee of a prescribed agency, and a purpose** in an instrument in writing.
- 6 Therefore, 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); and
 - the prescribed agencies and employees of the Commonwealth, a State or Territory for paragraphs 3.10A(2)(a) and (b) of the Regulations, and the purpose for which those employees may access the movement records pursuant to paragraph 3.10A(2)(c).
- 7 Movement records are defined in subsection 5(1) of the Act as information stored in a notified data base. In practice, **movement records are information** stored within the Department's Movement Reconstruction Database, which is part of the Travel and Immigration Processing System (TRIPS).

- 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.
- 8 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 to the instrument.

Consultation

- 9 External consultation was undertaken with government agencies which have requested access to the Movements Reconstruction Database or for which access is currently being negotiated.
- 10 Consultation was also undertaken where agencies requested to update agency names, legislation or prescribed purposes. Consultation was undertaken with the following agencies:
- the Attorney-General's Department;
 - the Australian Competition & Consumer Commission;
 - the Australian Criminal Intelligence Commission;
 - the Australian Electoral Commission;
 - the Australian Institute of Health and Welfare;
 - the Australian Transaction Reports and Analysis Centre;
 - the Department of Agriculture, Fisheries and Forestry;
 - the Department of Education;
 - the Department of Health;
 - the National Disability Insurance Agency;
 - the Northern Territory Police;
 - the Queensland Revenue Office;
 - the Professional Services Review Agency;
 - Revenue New South Wales;
 - Revenue South Australia;
 - Services Australia;
 - Sport Integrity Australia;
 - the State Revenue Office Victoria;
 - the Tax Practitioners Board;
 - the Victoria Police;
 - the Western Australia Department of Mines, Industry Regulation and Safety; and
 - the Western Australia Police Force.

- 11 The Office of Impact Analysis (previously known as Office of Best Practice Regulation (OBPR)) was consulted and considered that the instrument dealt with matters of a minor nature. As such, impact analysis is not required (OBPR reference number: OBPR22-02102).

Documents incorporated by reference

- 12 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.
- 13 Commonwealth legislation incorporated by reference can be accessed on the Federal Register of Legislation website (www.legislation.gov.au). State and Territory legislation can be accessed via the respective online databases:
- NSW legislation: www.legislation.nsw.gov.au;
 - Victorian legislation: www.legislation.vic.gov.au;
 - Queensland Legislation: www.legislation.qld.gov.au;
 - South Australian Legislation: www.legislation.sa.gov.au;
 - Western Australian Legislation: www.legislation.wa.gov.au;
 - Tasmanian Legislation: www.legislation.tas.gov.au;
 - ACT Legislation Register: www.legislation.act.gov.au;
 - Northern Territory Legislation: www.legislation.nt.gov.au.

Details of the instrument

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

Parliamentary scrutiny etc.

- 15 The instrument is subject to disallowance under section 42 of the Legislation Act. 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.
- 16 The instrument was made by a delegate of the Minister in accordance with subregulation 3.10A(1) and (2) of the Regulations.

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

Section 1 Name

This section provides that the name of the instrument is the *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023* (the instrument).

Section 2 Commencement

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

Section 3 Definitions

Subsection 3(1) defines security vetting so as to include pre-employment screening as well as ongoing assessment of a person's suitability or eligibility to work for a particular agency.

Subsection 3(2) provides the abbreviation of the approved APS employee classification under the *Public Service Classification Rules 2000*.

Section 4 Commonwealth, State or Territory legislation

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

Section 5 Agencies, employees and purposes

The section **provides that Commonwealth, State or Territory agencies, employees, and purposes are specified in Schedule 2** for paragraphs 3.10A(2)(a), (b) and (c) of the Regulations.

Section 6 Repeal

Migration (LIN 20/033: Access to Movement Records) Instrument 2020 is repealed by this section.

Schedule 1 Commonwealth, State and Territory legislation

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

Schedule 2 Prescribed agencies, employees and purposes

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

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 23/015) 2023

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).

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

Regulation 3.10A states –

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

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

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

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

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

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

Accordingly, *Migration (Access to Movement Records) Instrument (LIN 23/015) 2023* 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 (LIN 20/033: Access to Movement Records) Instrument 2020*, signed on 24 March 2020 and cited as LIN 20/033.

The key changes in this instrument from LIN 20/033 are:

Schedule 1

Addition of legislation:

- *Anti-Money Laundering and Counter Terrorism-Financing Act 2006* (Cth);
- *Australian Hearing Services Act 1991* (Cth);
- *Australian Institute of Health and Welfare Act 1987* (Cth);
- *Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018* (Cth);
- *Back to Work Act 2015* (Vic);
- *Bankruptcy Regulations 2021* (Cth);
- *Betting Tax Act 2001* (NSW);
- *Children and Community Service Act 2004* (WA);
- *Children and Young Persons (Care and Protection) Regulation 2022* (NSW);
- *Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006* (Cth);
- *Disability Services Act 1986* (Cth);
- *Education Act 1990* (NSW);
- *Emergency Services Levy Act 2017* (NSW);
- *Export Control Act 2020* (Cth);
- *Farm Household Support Act 2014* (Cth);
- *Financial Transaction Reports Act 1988* (Cth);
- *Fire Services Property Levy Act 2012* (Vic);
- *Health Insurance Levies Act 1982* (NSW);
- *First Home Owner Grant and Home Buyer Schemes Act 2000* (Vic);
- *First Home Owner Grant and Shared Equity Act 2000* (NSW);
- *Industrial Relations Act 1979* (WA);

- *Land Tax Act 2005* (Vic);
- *Long Service Leave Act 1958* (WA);
- *Minimum Conditions of Employment Act 1993* (WA);
- *Payroll Tax Act 2007* (Vic);
- *Payroll Tax Act 2009* (SA);
- *Sport Integrity Australia Act 2020* (Cth);
- *Sport Integrity Australia Regulations 2020* (Cth);
- *State Debt Recovery Act 2018* (NSW);
- *Unclaimed Money Act 1995* (NSW);
- *Unclaimed Money Act 2008* (Vic).

This instrument either removes or replaces reference to any repealed legislation specified in LIN 20/033.

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

- the Australian Competition and Consumer Commission (ACCC);
- the Australian Institute of Health and Welfare (AIHW);
- the Australian Transaction Reports and Analysis Centre (AUSTRAC);
- the Department of Mines, Industry Regulation and Safety (DMIRS);
- the Professional Services Review Agency (PSR);
- Sport Integrity Australia (SIA); and
- the Tax Practitioners Board (TPB).

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

- Department of Agriculture, Water and the Environment (formerly known as the Department of Agriculture and Water Resources);
- Department of Education (formerly known as the Department of Education, Skills and Employment);
- Department of Health and Aged Care (formerly the Department of Health);
- the Fines Enforcement and Recovery Unit (FERU), Department of Treasury and Finance, South Australia was formerly part of the Attorney General's Department, South Australia's portfolio; and
- the Queensland Revenue Office has gained the fine administration function from the Department of Transport and Main Roads and the Queensland Police Service.

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:

- ACCC is specified so that Movement Records can be accessed for the administration or enforcement of the criminal law or a law imposing a pecuniary penalty under the *Competition and Consumer Act 2010* (Cth), as well as for the collection of intelligence related to such activity. In particular, Movement Records can establish if a person of interest is currently in Australia, identify their contact details, create an investigation timeline and corroborate alleged conduct.
- AIHW is specified so that Movement Records can be accessed to contribute to a proposed dataset which will improve national data on health and welfare outcomes for refugee and humanitarian entrants.
- AUSTRAC is specified so that Movement Records can be accessed to investigate and enforce compliance against persons of interest who do not comply with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth).
- Western Australia DMIRS is specified so that Movement Records can be accessed to investigate and administer compliance under the legislation for which DMIRS has the power of general administration. In particular, DMIRS participates in Australian Border Force’s Taskforce Cadena, which involves the investigation of matters involving overseas workers. Investigators only require general information about whether persons of interest have left the country.
- PSR is specified so that Movement Records can be accessed to investigate Medicare-referred cases of possible inappropriate practice relating to Medicare, the Dental Benefits Scheme and the Pharmaceutical Benefits Scheme.
- SIA is specified so that Movement Records can be accessed to prevent, investigate and address threats to sports integrity and to coordinate a national approach to matters relating to sports integrity in Australia under the *Sports Integrity Australia Act 2020* (Cth).
- TPB is specified so that Movement Records can be accessed to regulate tax practitioners to protect and assure consumers that tax practitioners meet appropriate standards of professional and ethical conduct.

The further restrictions 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 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.

The Hon. Clare O’Neil MP

Minister for Home Affairs