



Commonwealth of Australia

Migration Regulations 1994

**ACCESS TO MOVEMENT RECORDS
(REGULATION 3.10A)**

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under regulation 3.10A of the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE Instrument number IMMI 10/062 signed by the Minister on 20 October 2010 specifying legislation, agencies, employees and purposes, for the purposes of regulation 3.10A of the Regulations;
2. SPECIFY, for subregulation 3.10A(1) of the Regulations, the Commonwealth, State or Territory legislation set out in Schedule A to this Instrument;
3. SPECIFY, for paragraph 3.10A(2)(a) of the Regulations, the agencies set out in column 2 of Schedule B to this Instrument;
4. SPECIFY, for paragraph 3.10A(2)(c) of the Regulations, the purposes set out in column 4 of Schedule B to this Instrument; AND
5. SPECIFY, for paragraph 3.10A(2)(b) of the Regulations, the employees holding, or for the time being occupying and performing the duties of, a position number, position title or position within a class of persons listed in column 3 of Schedule B to this Instrument and who are employed by agencies listed in column 2 of Schedule B to this Instrument, who are engaged in functions related to the purposes specified in column 4 of Schedule B to this Instrument.

This Instrument, IMMI 11/049, commences on the day after signature.

Dated 1 December 2011

Chris Bowen

Minister for Immigration and Citizenship

[NOTE 1: Subregulation 3.10A(1) of the Regulations provides that, for subparagraph 488(2)(a)(vii) of the *Migration Act 1958* ('the Act'), Commonwealth, State or Territory legislation specified by the Minister in an instrument in writing is prescribed.

NOTE 2: Paragraph 3.10A(2)(a) of the Regulations provides that, for paragraph 488(2)(g) of the Act, an agency of the Commonwealth, a State or a Territory specified by the Minister in an instrument in writing is prescribed.

NOTE 3: Paragraph 3.10A(2)(b) of the Regulations provides that, for paragraph 488(2)(g) of the Act, an employee of a prescribed agency who is specified by the Minister in an instrument in writing is prescribed.

NOTE 4: Paragraph 3.10A(2)(c) of the Regulations provides that, for paragraph 488(2)(g) of the Act, a purpose specified by the Minister in an instrument in writing is prescribed.

NOTE 5: Subsection 488(1) of the Act provides that a person must not read, examine, reproduce, use or disclose any part of movement records otherwise than in accordance with an authority given under subsection 488(2). Subsection 488(2) of the Act provides that the Minister may authorise an officer to perform one or more of the actions prohibited by subsection 488(1).

NOTE 6: Specifically, subparagraph 488(2)(a)(vii) of the Act permits the Minister to authorise an officer to perform one or more of the actions 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 those actions for prescribed purposes.]

SCHEDULE A

Legislation
<p> A New Tax System (Australian Business Number) Act 1999 (Cth) A New Tax System (Family Assistance) (Administration) Act 1999 (Cth) A New Tax System (Family Assistance) Act 1999 (Cth) A New Tax System (Goods and Services Tax) Act 1999 (Cth) A New Tax System (Luxury Car Tax) Act 1999 (Cth) A New Tax System (Wine Equalisation Tax) Act 1999 (Cth) AusCheck Act 2007 (Cth) Australian Passports Act 2005 (Cth) Australian Security Intelligence Organisation Act 1979 (Cth) Aviation Transport Security Act 2004 (Cth) Aviation Transport Security Regulations 2005 (Cth) Child Care Act 1972 (Cth) Child Support (Assessment) Act 1989 (Cth) Child Support (Registration & Collection) Act 1988 (Cth) Children and Young Persons (Care and Protection) Act 1998 (NSW) Children and Young Persons (Care and Protection) Regulation 2000 (NSW) Civil Aviation Act 1988 (Cth) Civil Aviation Regulations 1988 (Cwth) Civil Aviation Safety Regulations 1998 (Cth) Crimes Act 1900 (NSW) Criminal Code 1995 (Cth) Duties Act 1997 (NSW) Extradition Act 1988 (Cth) Family Law (Child Abduction Convention Regulations 1986 (Cth) Family Law (Child Protection Convention) Regulations 2003 (Cth) Fines Act 1996 (NSW) First Home Owner Grant Act 2000 (ACT) First Home Owner Grant Act 2000 (NSW) First Home Owner Grant Act 2000 (NT) First Home Owner Grant Act 2000 (QLD) First Home Owner Grant Act 2000 (SA) First Home Owner Grant Act 2000 (TAS) First Home Owner Grant Act 2000 (VIC) First Home Owner Grant Act 2000 (WA) Fringe Benefits Tax Assessment Act 1986 (Cth) Immigration (Guardianship of Children) Act 1946 (Cth) Immigration (Guardianship of Children) Regulations 2001 (Cth) Income Tax Assessment Act 1936 (Cth) Income Tax Assessment Act 1997 (Cth) Intelligence Services Act 2001 (Cth) International Transfer of Prisoners Act 1997 (Cth) Land Tax Act 1956 (NSW) Land Tax Act 2010 (QLD) Land Tax Management Act 1956 (NSW) Maritime Transport and Offshore Facilities Security Act 2003 (Cth) Maritime Transport and Offshore Facilities Security Regulations 2003 (Cth) Migration Act 1958 (Cth) Mutual Assistance in Criminal Matters Act 1987 (Cth) Oaths Act 1900 (NSW) </p>

Payroll Tax Act 2007 (NSW)
Retirement Savings Accounts Act 1997 (Cth)
Road Transport (Driver Licensing) Act 1998 (NSW)
Road Transport (Driver Licensing) Regulation 2008 (NSW)
Road Transport (General) Act 2005 (NSW)
Road Transport (General) Regulations 2005 (NSW)
Social Security Act 1991 (Cth)
Social Security Administration Act 1999 (Cth)
Statutory Declarations Act 1959 (Cth)
Student Assistance Act 1973 (Cth)
Superannuation (Government Co-Contribution for Low Income Earners) Act 2003 (Cth)
Superannuation (Unclaimed Money and Lost Members) Act 1999 (Cth)
Superannuation Contributions Tax (Assessment and Collection) Act 1997 (Cth)
Superannuation Contributions Tax (Members of Constitutionally protected Superannuation Funds) Assessment and Collection Act 1997 (Cth)
Superannuation Guarantee (Administration) Act 1992 (Cth)
Superannuation Industry (Supervision) Act 1993 (Cth)
Superannuation (Unclaimed Money and Lost Members) Act 1999 (Cth)
Taxation (Administration) Act (NT)
Taxation Administration Act 1953 (Cth)
Taxation Administration Act 1996 (NSW)
Taxation Administration Act 1996 (SA)
Taxation Administration Act 1997 (TAS)
Taxation Administration Act 1997 (VIC)
Taxation Administration Act 1999 (ACT)
Taxation Administration Act 2001 (QLD)
Taxation Administration Act 2003 (WA)
Veterans' Entitlements Act 1986 (Cth)

SCHEDULE B

Column 1 Item No.	Column 2 Agency	Column 3 Position Numbers/Position Title	Column 4 Purpose
1	Department of Veterans' Affairs	APS6 Team Leader, Data Matching Investigations Unit; Assistant Director, Compliance and Review; Director, Compliance and Review; Director, Income Support Systems; and Income Support Systems Technical Support Officer.	For the purpose of verification of immigration status and residence status for the assessment and verification of eligibility and entitlements to benefits payments.
2	Civil Aviation Safety Authority (CASA)	1251, 1283, 1284, 1300, 1322, 1328, 1329, 1330, 1331, 1332, 1357, 1764, 1775, 1776, 1788, 1810, 2136, 9357, 9370.	For the purpose of verification of immigration status and residence. For movement status into and out of Australia.
3	Department of Infrastructure and Transport	Security Identification Team	For the purpose of verifying status of applicants for aviation security identification card checks and maritime security identity card checks.
4	Department of Human Services	An employee at an APS level 3 and higher, Operations Division - Child Support Program An employee at APS level 4 and higher, Aged Care Program and International Branch An employee at APS level 2 and higher, International Services An employee at APS level 4 and higher, Business Integrity Division An employee at APS level 4 and higher, International Review Team in Customer Compliance Branch An employee at APS level 4 and higher, Intelligence Section An employee at APS level 4 and higher, Intelligence Analysis Unit An employee at APS level 3 and higher, Immigration Datamatching Team An employee at APS level 3 and higher, Multicultural Services Branch - Assurance of Support Team All staff with the responsibility for processing Family payments and services, and providing assistance with claim forms, Families and Child Care International Claims Team	For the purpose of verification of immigration status and residence status for determination of eligibility assessments for child support; and to give effect to Australia's international obligations in relation to reciprocal enforcement of child support; and to enforce child support liabilities. For the purpose of verification of immigration status and residence status for determination of eligibility and entitlements for certain Social Security and Family Assistance payments; identification and prevention of overpayments and to ensure accuracy of claimant data.
5	Australian Taxation Office	Assistant Director, Excise, Risk & Intelligence Assistant Director, Serious Non-Compliance, Operations Auditor, Serious Non-Compliance Auditor, Large Business & Internationals, Offshore Compliance Program Auditor, Micro Enterprise & Individuals, Micro	For the purpose of identifying false identities and inaccurate records, and to improve the accuracy of information held by government to reduce identity theft; and for the purpose of determining eligibility and entitlements for certain Taxation payments, to ensure accuracy of claimant data and

		<p>Active Compliance</p> <p>Auditor, Small & Medium Enterprises, Internationals</p> <p>Business Leader, Client Account Services, Client Register Business Analyst, Client Account Services, Client Register Assistant Director, Serious Non-Compliance, Intelligence</p> <p>Business Manager, Goods and Services Tax, Micro</p> <p>Business Support, Goods and Services Tax, Micro</p> <p>Case Leader, Micro Enterprise & Individuals, Micro Active Compliance</p> <p>Case Officer, Goods and Services Tax, Cash Economy</p> <p>Case Profiler, Goods and Services Tax, Complex Audit</p> <p>Case Profiler, Large Business & Internationals, Offshore Compliance Program</p> <p>Case Profiling Manager, Goods and Services Tax, Complex Audit</p> <p>Client Identification Analyst, Small & Medium Enterprises</p> <p>Client Officer, Client Account Services, Unclaimed Super Money</p> <p>Data Analyst, Micro Enterprise & Individuals, Risk & Information Management Services</p> <p>Data Analyst, Small & Medium Enterprises</p> <p>Data Integrity/Information Collection Officer, Small & Medium Enterprises</p> <p>Director, Goods and Services Tax, Complex Audit</p> <p>Fraud Manager, Goods and Services Tax, Refund Integrity (Risk & Strategy)</p> <p>Fraud Profiler, Goods and Services Tax, Refund Integrity (Risk & Strategy)</p> <p>HWI Auditor, Small & Medium Enterprises, Active Compliance</p> <p>HWI Identification Analyst, Small & Medium Enterprises</p> <p>Intelligence Analyst, Aggressive Tax Planning, Promoter Intelligence</p> <p>Intelligence Analyst, Excise</p> <p>Intelligence Analyst, Goods and Services Tax, Complex Audit</p> <p>Intelligence Analyst, Large Business & Internationals, International Relations</p> <p>Intelligence Analyst, Large Business & Internationals, Offshore Compliance Program</p> <p>Intelligence Analyst, Micro Enterprise & Individuals, Active Compliance Individuals</p>	assist in the location of individuals.
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		<p>Intelligence Analyst, Serious Non-Compliance Intelligence Analyst, Superannuation Investigator, Serious Non-Compliance Manager, Small & Medium Enterprises, Internationals Phoenix Auditor, Small & Medium Enterprises, General Compliance Pre-issue Fraud Case Officer, Medium Enterprise & Individuals, Active Compliance Individuals Pre-issue Fraud Case Officer, Micro Enterprise & Individuals, Active Compliance Individuals Risk & Intelligence Analyst, Micro Enterprise & Individuals, Risk & Information Management Services Search Officer, Debt Technical Advisor, Client Account Services, Client Register Tracing Officer, Tax Practitioner and Lodgment Strategy, Projects</p>	
6	Office of State Revenue, NSW Treasury	<p>Assistant Client Service Officer , Client Services - Claims and Grants Assistant Compliance Officer , Compliance Audit - First Home Benefits Chief Operating Officer , Operations Division Client Service Officer , Client Services - Claims and Grants Compliance Manager , Compliance Audit - First Home Benefits Compliance Officer , Compliance Audit - First Home Benefits Departmental Professional Officer, Compliance Audit - First Home Benefits Deputy Director Operations , Operations Division Manager Claims and Grants, Client Services Claims and Grants Manager, Analytics Branch Research and Business Analyst, Analytics Branch Senior Client Service Officer , Client Services - Claims and Grants Senior Compliance Officer , Compliance Audit - First Home Benefits Senior Research and Business Analyst, Analytics Branch Team Leader Claims and Grants , Client Services - Claims and Grants</p>	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme; and to assist in the investigation and determination of taxation liabilities.
7	The State Revenue Office, Victorian Department of Treasury and Finance	Manager , Investigations Branch	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme
8	Office of State Revenue, Queensland Treasury	<p>Manager, Land Tax Revenue Officer, Land Tax Senior Revenue Officer, Land Tax</p>	For the purpose of verification of immigration status and residence status for assessment of eligibility for land tax

			and entitlements under the First Home Owner Grant Scheme; and to assist in the investigation and determination of taxation and duties liabilities.
9	Tasmanian State Revenue Office, Department of Treasury and Finance	Assistant Commissioner, Compliance Manager, Investigations	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme
10	Office of State Revenue, Department of Treasury and Finance of Western Australia	Director Compliance Manager Investigations Principal Compliance Officer	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme and for purposes of any requirement under the <i>Taxation Administration Act 2003</i> .
11	Revenue SA, Department of Treasury and Finance	Assistant Commissioner, State Taxation Principal Compliance Officer Principal Debt Management Officer	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme
12	Territory Revenue Management, Northern Territory Treasury	Assistant Director, Compliance	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme.
13	Australian Capital Territory Revenue Office, Department of Treasury	Assistant Manager, Compliance Manager, Compliance	For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme
14	Attorney-General's Department	Assistant Secretary, International Crime Cooperation Branch Legal Officer, Offender Justice and Management section Principal Legal Officer, Offender Justice and Management section Project Officer, Offender Justice and Management section Senior Legal Officer, Offender Justice and Management section Case Officer, Extradition Unit Director, Extradition Unit Graduate, Extradition Unit Legal Officer, Extradition Unit Principal Legal Officer, Extradition Unit Senior Legal Officer, Extradition Unit Assistant Secretary, Mutual Assistance and Extradition Branch; Case Officer, Mutual Assistance Section	For the purpose of processing applications by prisoners for international transfer in accordance with the <i>Extradition Act 1988</i> . For the purpose of processing applications in connection with potential or actual extradition requests from Australia to another country or from another country to Australia. For the purposes of making or responding to mutual assistance requests made under the <i>Mutual Assistance in Criminal Matters Act 1987</i> . For the purpose of exercising child protection measures and assisting to combat child abduction.

		<p>Director, Mutual Assistance Section Graduate, Mutual Assistance Section Legal Officer, Mutual Assistance Section Principal Legal Officer, Mutual Assistance Section Senior Legal Officer, Mutual Assistance Section</p> <p>Assistant Secretary, Family Law Branch Case Officer, International Family Law Section Director, International Family Law Section Executive Level 1, International Family Law Section Legal Officer, International Family Law Section Principle Legal Officer, International Family Law Section Senior Legal Officer, International Family Law Section</p>	
15	State Debt Recovery Office, Office State Revenue NSW Treasury	<p>Assistant Director, Client Services Assistant Director, Operations Manager, Adjudication & Compliance Manager, Fines Debt Manager, Fines Priority Debt Manager, Fines Reconciliation Senior Manager, Business Relationships & Development</p>	For the purpose of assisting in the investigation, prosecution and enforcement of fines and penalties including the location of individuals falsely nominated for demerit point driving offences.
16	Department of Defence	<p>Assistant Director Compliance Assistant Director Oversight Compliance Officer Capability Compliance Officer Reporting Director Compliance and Oversight Principle Compliance Officer Capability Principle Compliance Officer Oversight Principle Compliance Officer Reporting Senior Compliance Officer Capability Senior Compliance Officer Oversight Senior Compliance Officer Reporting</p>	For the purposes of verifying a person's nationality to determine whether Ministerial authorization is required for performance of activities specified in the <i>Intelligence Services Act 2001</i> .

17	Department of Foreign Affairs and Trade (Passports)	<p>Consular Officers – Canberra Consular Officer, Passports, London Consular Officer, Passports, Washington Director, Passports/Consular, Washington Eligibility Officer, Passports, Adelaide Eligibility Officer, Passports, Brisbane Eligibility Officer, Passports, Canberra Eligibility Officer, Passports, Darwin Eligibility Officer, Passports, London Eligibility Officer, Passports, Melbourne Eligibility Officer, Passports, Newcastle Eligibility Officer, Passports, Perth Eligibility Officer, Passports, Sydney Eligibility Officer, Passports, Hobart Fraud Officer, Passports, Brisbane Fraud Officer, Passports, Canberra Fraud Officer, Passports, Melbourne Fraud Officer, Passports, Perth Fraud Officer, Passports, Sydney Manager, Passports, Adelaide Manager, Passports, Brisbane Manager, Passports, Canberra Manager, Passports, Darwin Manager, Passports, Hobart Manager, Passports, London Manager, Passports, Melbourne Manager, Passports, Newcastle Manager, Passports, Perth Manager, Passports, Sydney Manager, Passports, Washington Officers, Consular Emergency Centre (CEC), Canberra Officers, Passport Operations Section (POS) – Canberra Policy Officers, Passports, Canberra Regional Director, Passports, Brisbane Regional Director, Passports, Canberra Regional Director, Passports, Melbourne Regional Director, Passports, Sydney</p>	For the purpose of issuing and administering passports under the <i>Australian Passports Act 2005</i> .
18	AusCheck, Attorney-General's Department	<p>Assessor, 2501509 Assessor, 2501510 Assessor, 2501511 Assessor, 2501512 Assessor, 2501513 Assessor, 2501514 Processing Officer, 2501508 Processing Supervisor, 2501506 Processing Supervisor, 2501507</p>	For the purpose of administering AusCheck Act 2007 to carry out background checks of individuals for the purposes of the <i>Aviation Transport Security Act 2004</i> or regulations made under that Act and the <i>Maritime Transport and Offshore Facilities Act 2003</i> or regulations made under that Act.
19	Australian Security Intelligence Organisation	Assessor	For the purposes of the functions of section 17 of the <i>Australian Security Intelligence Organisation Act 1979</i> .
20	Department of Human Services, New South Wales	<p>Director, Adoption and Permanent Care Services Director, Child and Family Director, Legal Services Manager, Casework</p>	For the purpose of fulfilling statutory obligations in relation to the protection of children and young people, children who are the subject

		Manager, Client Services Regional Director	of adoption applications and as the delegated guardian of non citizen children present in NSW.
21	Department of Immigration and Citizenship	APEC Business Travel Card Assessors Ongoing Immigration Reporting Analysts	For the purpose of integrated management reporting and analysis under the <i>Migration Act 1958</i> and assessing an Australian applicant's eligibility for the APEC Business Travel Card which is administered by DIAC.