**Commonwealth of Australia**

*Migration Regulations 1994*

**ACCESS TO MOVEMENT RECORDS**

**(REGULATION 3.10A)**

I, *BRENDAN O’CONNOR*, Minister for Immigration and Citizenship, acting under regulation 3.10A of the *Migration Regulations 1994* (‘the Regulations’):

1. REVOKE Instrument number IMMI 12/055 signed on 4 September 2012 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 12/123, commences on the day after the date of registration on the Federal Register of Legislative Instruments.

Dated March 8 2013

BRENDAN O’CONNOR

**Minister for Immigration and Citizenship**

**SCHEDULE A**

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| **Column 1Item No.** | **Column 2Legislation** |
|  | Veterans’ Entitlements Act 1986 (Cth) |
|  | Aviation Transport Security Act 2004 (Cth)Civil Aviation Act 1988 (Cth)Civil Aviation Regulations 1988 (Cth)Civil Aviation Safety Regulations 1988 (Cth)Criminal Code Act 1995 (Cth) |
|  | A New Tax System (Family Assistance) (Administration) Act 1999 (Cth)A New Tax System (Family Assistance) Act 1999 (Cth)Child Care Act 1972 (Cth)Child Support (Assessment) Act 1989 (Cth)Child Support (Registration & Collection) Act 1988 (Cth)Social Security Act 1991 (Cth)Social Security Administration Act 1999 (Cth)Student Assistance Act 1973 (Cth) |
|  | A New Tax System (Australian Business Number) Act 1999 (Cth)A New Tax System (Goods & 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)Fringe Benefits Tax Assessment Act 1986 (Cth)Income Tax Assessment Act 1936 (Cth)Income Tax Assessment Act 1997 (Cth)Retirement Savings Accounts Act 1997 (Cth)Superannuation (Government Co-contribution for Low Income Earners) Act 2003 (Cth)Superannuation (Unclaimed Money & Lost Members) Act 1999 (Cth)Superannuation Contributions Tax (Assessment & Collection) Act 1997 (Cth)Superannuation Contributions Tax (Members of Constitutionality Protected Superannuation Funds) Assessment & Collection Act 1997 (Cth)Superannuation Guarantee (Administration) Act 1992 (Cth)Superannuation Industry (Supervision) Act 1993 (Cth)Taxation Administration Act 1953 (Cth) |
|  | Duties Act 1997 (NSW)First Home Owner Grant Act 2000 (NSW)Land Tax Act 1956 (NSW)Land Tax Management Act 1956 (NSW)Payroll Tax Act 2007 (NSW)Taxation Administration Act 1996 (NSW) |
|  | First Home Owner Grant Act 2000 (VIC)Taxation Administration Act 1997 (VIC) |
|  | Building Boost Grant Act 2011 (QLD)First Home Owner Grant Act 2000 (QLD)Land Tax Act 2010 (QLD)Taxation Administration Act 2001 (QLD) |
|  | First Home Owner Grant Act 2000 (TAS)Taxation Administration Act 1997 (TAS) |
|  | First Home Owner Grant Act 2000 (WA)Taxation Administration Act 2003 (WA) |
|  | First Home and Housing Constructions Grants Act 2000 (SA)Land Tax Act 1936 (SA)Taxation Administration Act 1996 (SA)  |
|  | First Home Owner Grant Act (NT)Taxation Administration Act (NT) |
|  | First Home Owner Grant Act 2000 (ACT)Taxation Administration Act 1999 (ACT) |
|  | Criminal Code 1995 (Cth)Extradition Act 1988 (Cth)Family Law (Child Abduction Convention) Regulations 1986 (Cth)Family Law (Child Protection Convention) Regulations 2003 (Cth)International Criminal Court Act 2002 (Cth)International Transfer of Prisoners Act 1997 (Cth)International War Crimes Tribunal Act 1995 (Cth)The Mutual Assistance in Criminal Matters Act 1987 (Cth) |
|  | Crimes Act 1900 (NSW)Fines Act 1996 (NSW)Oaths Act 1900 (NSW)Road Transport (Driver Licensing) Act 1998 (NSW)Road Transport (Driver Licensing) Regulation 1999 (NSW)Road Transport (General) Act 2005 (NSW)Road Transport (General) Regulation 2005 (NSW)Statutory Declarations Act 1959 (Cth) |
|  | Intelligence Services Act 2001 (Cth) |
|  | Australian Passports Act 2005 (Cth) |
|  | AusCheck Act 2007 (Cth)Aviation Transport Security Act 2004 (Cth)Aviation Transport Security Regulations 2005 (Cth)Maritime Transport and Offshore Facilities Security Act 2003 (Cth)Maritime Transport and Offshore Facilities Security Regulations 2003 (Cth) |
|  | Australian Security Intelligence Organisation Act 1979 |
|  | Children and Young Persons (Care & Protection) Act 1998 (NSW)Children and Young Persons (Care & Protection) Regulations 2000 (NSW)Immigration (Guardianship of Children) Act 1946 (Cth)Immigration (Guardianship of Children) Regulations 2001 (Cth)Adoption Act 2000 (NSW)Adoption Regulations 2003 |
|  | Bail Act 1982Prisons Act 1981Sentencing Act 1995Sentence Administration Act 2003 |
|  | Tax Agent Services Act 2009 |
|  | Migration Act 1958Migration Regulations 1994 |
|  | Bankruptcy Act 1966 (Cth)Bankruptcy Regulations 1996 (Cth) |
|  | Australian Crime Commission Act 2002 (Cth)Criminal Code Act 1995 (Cth)Weapons Act 1990 (QLD)Drugs Misuse Act 1986 (QLD) |
|  | Corporations Act 2001 (Cth)Crimes Act (VIC) 1958Crimes Act (Cth) 1914Crimes Act (NSW) 1900Australian Securities and Investments Commission Act 2001 |
|  | Safety Rehabilitation and Compensation Act 1988 (Cth)Criminal Code Act 1995 (Cth) |
|  | Intelligence Services Act 2001 |

**SCHEDULE B**

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| **Column 1Item No.** | **Column 2****Agency** | **Column 3****Position numbers/Position Title/Class** | **Column 4****Purpose** |
|  | Department of Veterans’ Affairs  | APS6 Team Leader, Payments & Bereavement APS6 Team Leader, Debt Management Unit Assistant Director, Claims & S57 Assistant Director, Compliance & Review Exercises Assistant Director, Debt Management & Data MatchingDirector, Income Support (Payments, Bereavement, Advices & Debt Recovery)Director, Income Support (Reviews & Governance Director, Income Support (Claims, Aged Care & Procedures)  | For the purpose of verification of immigration status and residence status for the assessment and verification of eligibility and entitlements to benefits payments. |
|  | Civil Aviation Safety Authority (CASA) | 1322, 1328, 1329, 1330, 1331, 1332, 1357, 1775, 1776, 1788, 1983, 2136, 2576 | For the purpose of verification of immigration status and residence; and for movement status into and out of Australia. |
|  | Department of Human Services | All staff with the responsibility for processing Family payments and services, and providing assistance with claim forms, Families and Child Care International Claims TeamAn employee at APS level 2 and higher, International ServicesAn employee at APS level 3 and higher, Assurance of Support Team, Multicultural Services BranchAn employee at APS level 3 and higher, Immigration Datamatching TeamAn employee at APS level 3 and higher, Operations Division, Child Support ProgramAn employee at APS level 4 and higher, Older Australian and International BranchAn employee at APS level 4 and higher, ICT Level 2 Service Desk, ICT Infrastructure DivisionAn employee at APS level 4 and higher, Intelligence Analysis UnitAn employee at APS level 4 and higher, Intelligence SectionAn employee at APS level 4 and higher, International Review Team, Customer Compliance Branch | 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; and for identification and prevention of overpayments; and to ensure accuracy of claimant data.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. |
|  | Australian Taxation Office | Assistant Director, Excise, Risk & IntelligenceAssistant Director, Serious Non-Compliance, IntelligenceAssistant Director, Serious Non-Compliance, OperationsAuditor, Large Business & Internationals, Offshore Compliance ProgramAuditor, Micro Enterprise & Individuals, Micro Active ComplianceAuditor, Serious Non-ComplianceAuditor, Small & Medium Enterprises, InternationalsBusiness Analyst, Client Account Services, Client RegisterBusiness Leader, Client Account Services, Client Register Business Manager, Goods & Services Tax, MicroBusiness Support, Goods & Services Tax, MicroCase Leader, Micro Enterprise & Individuals, Micro Active ComplianceCase Officer, Goods & Services Tax, Cash EconomyCase Profiler, Goods & Services Tax, Complex AuditCase Profiler, Large Business & Internationals, Offshore Compliance ProgramCase Profiling Manager, Goods & Services Tax, Complex AuditClient Identification Analyst, Small & Medium EnterprisesClient Officer, Client Account Services, Unclaimed Super MoneyData Analyst, Micro Enterprise & Individuals, Risk & Information Management ServicesData Analyst, Small & Medium EnterprisesData Integrity/Information Collection Officer, Small & Medium EnterprisesDirector, Goods & Services Tax, Complex AuditFraud Manager, Goods & Services Tax, Refund Integrity (Risk & Strategy)Fraud Profiler, Goods & Services Tax, Refund Integrity (Risk & Strategy)HWI Auditor, Small & Medium Enterprises, Active ComplianceHWI Identification Analyst, Small & Medium EnterprisesIntelligence Analyst, Aggressive Tax Planning, Promoter IntelligenceIntelligence Analyst, ExciseIntelligence Analyst, Goods & Services Tax, Complex AuditIntelligence Analyst, Large Business & Internationals, International RelationsIntelligence Analyst, Large Business & Internationals, Offshore Compliance ProgramIntelligence Analyst, Micro Enterprise & Individuals, Active Compliance IndividualsIntelligence Analyst, Serious Non-ComplianceIntelligence Analyst, SuperannuationInvestigator, Serious Non-ComplianceManager, Small & Medium Enterprises, InternationalsPhoenix Auditor, Small & Medium Enterprises, General CompliancePre-Issue Fraud Case Officer, Medium Enterprise & Individuals, Active Compliance IndividualsPre-Issue Fraud Case Officer, Micro Enterprise & Individuals, Active Compliance IndividualsRisk & Intelligence Analyst, Micro Enterprise & Individuals, Risk & Information Management ServicesSearch Officer, DebtTechnical Advisor, Client Account Services, Client RegisterTracing Officer, Tax Practitioner & Lodgement Strategy, Projects | 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 to assist in the location of individuals. |
|  | Office of State Revenue, NSW Treasury | Compliance Manager, Operations DivisionOperations Manager, Operations DivisionOperations Team Leader, Operations DivisionSenior Compliance Officer, Operations Division Senior Operations Officer, Operations DivisionOperations Officer , Operations DivisionCompliance Officer, Operations DivisionAssistant Compliance Officer, Operations DivisionSenior Prosecutions Officer, Operations DivisionProsecutions Officer, Operations DivisionManager, Compliance Support and Intelligence, Operations DivisionSenior Business and Research Analyst, Operations DivisionBusiness and Research Analyst, Operations DivisionAssistant Business and Research Analyst, Operations Division | 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. |
|  | The State Revenue Office, Victorian Department of Treasury and Finance | Manager, Investigations Branch | For the purpose of verification of immigration status, residence status and absences from Australia for assessment of eligibility and entitlements under the First Home Owner Grant Scheme; and to determine the level of compliance with the provisions of the *Taxation Administration Act 1997 (VIC).* |
|  | Office of State Revenue, Queensland Treasury | Manager, Land RevenueRevenue Officer, Land RevenueSenior Revenue Officer, Land Revenue | 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. |
|  | Tasmanian State Revenue Office, Department of Treasury and Finance | Assistant Director ComplianceDeputy Commissioner of State Revenue | For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme. |
|  | Office of State Revenue, Department of Finance Western Australia | Assistant Director Compliance Group 1Director CompliancePrincipal Specialist 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 *Taxation Administration Act 2003 (WA).* |
|  | Revenue SA, Department of Treasury and Finance | Assistant Commissioner of State TaxationDeputy Commissioner of State TaxationPrincipal Compliance OfficerPrincipal Debt Management Officer | For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the *First Home and Housing Constructions Grants Act 2000 (SA)* and to assist with the administration and enforcement of the *Land Tax Act 1936 (SA)* and the *Taxation Administration Act 1996 (SA).* |
|  | Territory Revenue Office, Northern Territory Treasury | Assistant Director, Revenue CollectionsDirector, Revenue Collections | For the purpose of verification of immigration status and residence status for assessment of eligibility and entitlements under the First Home Owner Grant Scheme. |
|  | Australian Capital Territory Revenue Office, Treasury Directorate | Assistant Manager, ComplianceManager, 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 and the Home Buyer Concession Scheme. |
|  | Attorney-General’s Department | Assistant Secretary, International Crime Cooperation Central Authority Graduate, Mutual Assistance UnitCase Officer, Mutual Assistance UnitLegal Officer, Mutual Assistance UnitSenior Legal Officer, Mutual Assistance UnitPrincipal Legal Officer, Mutual Assistance UnitDirector, Mutual Assistance UnitGraduate, Extradition UnitCase Officer, Extradition UnitLegal Officer, Extradition UnitSenior Legal Officer, Extradition UnitPrincipal Legal Officer, Extradition UnitDirector, Extradition UnitGraduate, International Transfer of Prisoners UnitCase Officer, International Transfer of Prisoners UnitProject Officer, International Transfer of Prisoners UnitLegal Officer, International Transfer of Prisoners UnitSenior Legal Officer, International Transfer of Prisoners UnitAssistant Director, International Transfer of Prisoners UnitPrincipal Legal Officer, International Transfer of Prisoners UnitDirector, International Transfer of Prisoners UnitAssistant Secretary, Family Law BranchCase Officer, International Family Law SectionDirector, International Family Law SectionExecutive Level 1, International Family Law SectionGraduate, International Family Law SectionLegal Officer, International Family Law SectionPrincipal Legal Officer, International Family Law SectionSenior Legal Officer, International Family Law Section | For the purpose of considering enquiries in connection with applications by prisoners for international transfer, or applications for international transfer in accordance with the *International Transfer of Prisoners Act 1997 (Cth)*; and for the purpose of considering enquiries in connection with extradition, or extradition requests from Australia to another country or from another country to Australia; and for the purpose of considering enquiries in connection with mutual assistance, or mutual assistance requests; and for the purpose of considering enquiries in connection with assistance, or requests for assistance pursuant to the *International War Crimes Tribunal Act 1995 (Cth)*; and for the purpose of considering enquiries in connection with cooperation, or requests for cooperation pursuant to the *International Criminal Court Act 2002 (Cth)*.For the purpose of exercising child protection measures and assisting to combat child abduction. |
|  | State Debt Recovery Office, Office of State Revenue, NSW Treasury | Assistant Director, Client ServicesAssistant Director, OperationsManager, Adjudication & ComplianceManager, Fines DebtManager, Fines Priority DebtManager, Fines ReconciliationSenior Manager, Business Relationships & Development | 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. |
|  | Department of Defence | Assistant Director ComplianceAssistant Director OversightCompliance Officer CapabilityCompliance Officer OversightCompliance Officer ReportingDirector Compliance & OversightPrincipal Compliance Officer CapabilityPrincipal Compliance Officer OversightPrincipal Compliance Officer ReportingSenior Compliance Officer CapabilitySenior Compliance Officer OversightSenior Compliance Officer Reporting | For the purposes of verifying a person’s nationality to determine whether Ministerial authorisation is required for performance of activities specified in the *Intelligence Services Act 2001.* |
|  | Department of Foreign Affairs and Trade  | Consular Officers, CanberraConsular Officer, Passports, LondonConsular Officer, Passports, WashingtonDirector, Passports/Consular, WashingtonEligibility Officer, Passports, AdelaideEligibility Officer, Passports, BrisbaneEligibility Officer, Passports, CanberraEligibility Officer, Passports, DarwinEligibility Officer, Passports, LondonEligibility Officer, Passports, MelbourneEligibility Officer, Passports, NewcastleEligibility Officer, Passports, PerthEligibility Officer, Passports, SydneyEligibility Officer, Passports,HobartFraud Officer, Passports, BrisbaneFraud Officer, Passports, CanberraFraud Officer, Passports, MelbourneFraud Officer, Passports, PerthFraud Officer, Passports, SydneyManager, Passports, AdelaideManager, Passports, BrisbaneManager, Passports, CanberraManager, Passports,DarwinManager, Passports, HobartManager, Passports, LondonManager, Passports, MelbourneManager, Passports, NewcastleManager, Passports, PerthManager, Passports, SydneyManager, Passports, WashingtonOfficers, Consular Emergency Centre (CEC), CanberraOfficers, Passport Policy and Operations Section (PPOS) – CanberraProtocol Officers, CanberraPolicy Officers, Passports, CanberraRegional Director, Passports, BrisbaneRegional Director, Passports, CanberraRegional Director, Passports, MelbourneRegional Director, Passports, Sydney | For the purpose of issuing and administering passports under the *Australian Passports Act 2005.* |
|  | AusCheck, Attorney-General’s Department | AssessorsTeam LeadersAssistant Director (BCO)Director (BCO) | For the purpose of administering *AusCheck Act 2007*; to carry out background checks of individuals for the purposes of the *Aviation Transport Security Act 2004* or regulations made under that Act and the *Maritime Transport and Offshore Facilities Act 2003* or regulations made under that Act |
|  | Australian Security Intelligence Organisation | Assessors | For the purposes of the functions of section 17 of the *Australian Security Intelligence Organisation Act 1979.* |
|  | Department of Family and Community Services, New South Wales | Director, Adoption & Permanent Care ServicesDirector, Child & FamilyDirector, Legal ServicesManager, CaseworkManager, Client ServicesRegional Director | For the purpose of fulfilling statutory obligations in relation to the protection of children and young people, children who are the subject of adoption applications and as the delegated guardian of non citizen children present in NSW. |
|  | Department of Corrective Services, Western Australia | Information Compliance Officer - 006851Manager Information Release - 011979Records Management Administrator – 009486Senior Information Management Officer - 009557 | For the purpose of enforcing and administering WA legislation in relation to criminal justice and monitoring movements of parolees in relation to parole violations and return-to-prison warrants. |
|  | Tax Practitioners Board | ChairDirector of Legal UnitDirector of Regulatory AssuranceSecretarySenior Advisor to the ChairSenior Legal Officer | For the purpose of verifying the immigration and residence status of individuals to assist in the investigation of breaches of the *Tax Agent Services Act 2009*. |
|  | Department of Immigration and Citizenship | APEC Business Travel Card AssessorsInformation Technology (‘IT’) Contractors undertaking integrated management reporting and analysis functions andOngoing Immigration IT Reporting Analysts undertaking reporting and analysis functions.Contractors accessing movement records for borders-related functions | For the purpose assessing an Australian applicant’s eligibility for the APEC Business Travel Card which is administered by DIAC.For the purpose of integrated management reporting and analysis under the *Migration Act 1958*.For the purpose of performing borders-related functions under the *Migration Act 1958*. |
|  | Insolvency and Trustee Service Australia | National Manager, Business ServicesNational Manager, Regulation and EnforcementAssistant National Manager, Trustee ServicesAssistant National Manager, Information and RegistriesAssistant National Manager, Regulation and EnforcementBusiness Manager, Trustee ServicesBusiness Manager, Information and RegistriesBusiness Manager, Regulation and Enforcement | For the purposes of verification of immigration and residence status, and movement status into and out of Australia to assist the administration of the *Bankruptcy Act 1966*, including the administration of bankrupt estates and the regulation of personal insolvency practitioners. |
|  | Australian Crime Commission | Employees of the Fusion SectionEmployees of the Advanced Analytics TeamEmployees of the Fusion Collection TeamEmployees of the Financial Intelligence Assessment Team | For purposes connected with, or reasonably incidental to, the performance of one or more of the functions of the Australian Crime Commission set out in section 7A of the *Australian Crime Commission Act 2002* (Cth). |
|  | Australian Securities and Investments Commission | Information Analyst Information Officer Intelligence Analyst Manager, Intelligence Gathering National Coordinator, Intelligence GatheringTeam Leader, Intelligence Gathering  | For the purposes of verification of immigration and residence status, and movement status into and out of Australia of individuals related to the investigation of breaches of the *Corporations Act 2001*; the *Crimes Act (VIC) 1958*; *Crimes Act (Cth) 1914*; *Crimes Act (NSW) 1900* and other legislation administered by ASIC as set out in Section 12A of the *Australian Securities and Investments Commission Act 2001*. |
|  | ComCare | Fraud Investigator, Fraud Response UnitSenior Fraud Investigator, Fraud Response Unit Assistant Director, Fraud Response Unit | For the purpose of verification of immigration status and movements from and to Australia for assessment of eligibility and entitlements under the *Safety Rehabilitation and Compensation Act 1988* . |
|  | Australian Secret Intelligence Service | Intelligence Officers | For the purpose of administering its functions under the *Intelligence Services Act 2001.* |