

**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 1 Item No.** | **Column 2 Legislation** |
|  | 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 1982  Prisons Act 1981  Sentencing Act 1995  Sentence Administration Act 2003 |
|  | Tax Agent Services Act 2009 |
|  | Migration Act 1958  Migration 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) 1958  Crimes Act (Cth) 1914  Crimes Act (NSW) 1900  Australian 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 1 Item 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 Matching  Director, 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 Team  An employee at APS level 2 and higher, International Services  An employee at APS level 3 and higher, Assurance of Support Team, Multicultural Services Branch  An employee at APS level 3 and higher, Immigration Datamatching Team  An employee at APS level 3 and higher, Operations Division, Child Support Program  An employee at APS level 4 and higher, Older Australian and International Branch  An employee at APS level 4 and higher, ICT Level 2 Service Desk, ICT Infrastructure Division  An employee at APS level 4 and higher, Intelligence Analysis Unit  An employee at APS level 4 and higher, Intelligence Section  An 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 & Intelligence  Assistant Director, Serious Non-Compliance, Intelligence  Assistant Director, Serious Non-Compliance, Operations  Auditor, Large Business & Internationals, Offshore Compliance Program  Auditor, Micro Enterprise & Individuals, Micro Active Compliance  Auditor, Serious Non-Compliance  Auditor, Small & Medium Enterprises, Internationals  Business Analyst, Client Account Services, Client Register  Business Leader, Client Account Services, Client Register  Business Manager, Goods & Services Tax, Micro  Business Support, Goods & Services Tax, Micro  Case Leader, Micro Enterprise & Individuals, Micro Active Compliance  Case Officer, Goods & Services Tax, Cash Economy  Case Profiler, Goods & Services Tax, Complex Audit  Case Profiler, Large Business & Internationals, Offshore Compliance Program  Case Profiling Manager, Goods & Services Tax, Complex Audit  Client Identification Analyst, Small & Medium Enterprises  Client Officer, Client Account Services, Unclaimed Super Money  Data Analyst, Micro Enterprise & Individuals, Risk & Information Management Services  Data Analyst, Small & Medium Enterprises  Data Integrity/Information Collection Officer, Small & Medium Enterprises  Director, Goods & Services Tax, Complex Audit  Fraud Manager, Goods & Services Tax, Refund Integrity (Risk & Strategy)  Fraud Profiler, Goods & Services Tax, Refund Integrity (Risk & Strategy)  HWI Auditor, Small & Medium Enterprises, Active Compliance  HWI Identification Analyst, Small & Medium Enterprises  Intelligence Analyst, Aggressive Tax Planning, Promoter Intelligence  Intelligence Analyst, Excise  Intelligence Analyst, Goods & Services Tax, Complex Audit  Intelligence Analyst, Large Business & Internationals, International Relations  Intelligence Analyst, Large Business & Internationals, Offshore Compliance Program  Intelligence Analyst, Micro Enterprise & Individuals, Active Compliance Individuals  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 & 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 Division  Operations Manager, Operations Division  Operations Team Leader, Operations Division  Senior Compliance Officer, Operations Division  Senior Operations Officer, Operations Division  Operations Officer , Operations Division  Compliance Officer, Operations Division  Assistant Compliance Officer, Operations Division  Senior Prosecutions Officer, Operations Division  Prosecutions Officer, Operations Division  Manager, Compliance Support and Intelligence, Operations Division  Senior Business and Research Analyst, Operations Division  Business and Research Analyst, Operations Division  Assistant 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 Revenue  Revenue Officer, Land Revenue  Senior 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 Compliance  Deputy 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 1  Director Compliance  Principal 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 Taxation  Deputy Commissioner of 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 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 Collections  Director, 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, 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 and the Home Buyer Concession Scheme. |
|  | Attorney-General’s Department | Assistant Secretary, International Crime Cooperation Central Authority  Graduate, Mutual Assistance Unit  Case Officer, Mutual Assistance Unit  Legal Officer, Mutual Assistance Unit  Senior Legal Officer, Mutual Assistance Unit  Principal Legal Officer, Mutual Assistance Unit  Director, Mutual Assistance Unit  Graduate, Extradition Unit  Case Officer, Extradition Unit  Legal Officer, Extradition Unit  Senior Legal Officer, Extradition Unit  Principal Legal Officer, Extradition Unit  Director, Extradition Unit  Graduate, International Transfer of Prisoners Unit  Case Officer, International Transfer of Prisoners Unit  Project Officer, International Transfer of Prisoners Unit  Legal Officer, International Transfer of Prisoners Unit  Senior Legal Officer, International Transfer of Prisoners Unit  Assistant Director, International Transfer of Prisoners Unit  Principal Legal Officer, International Transfer of Prisoners Unit  Director, International Transfer of Prisoners Unit  Assistant Secretary, Family Law Branch  Case Officer, International Family Law Section  Director, International Family Law Section  Executive Level 1, International Family Law Section  Graduate, International Family Law Section  Legal Officer, International Family Law Section  Principal Legal Officer, International Family Law Section  Senior 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 Services  Assistant Director, Operations  Manager, Adjudication & Compliance  Manager, Fines Debt  Manager, Fines Priority Debt  Manager, Fines Reconciliation  Senior 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 Compliance  Assistant Director Oversight  Compliance Officer Capability  Compliance Officer Oversight  Compliance Officer Reporting  Director Compliance & Oversight  Principal Compliance Officer Capability  Principal Compliance Officer Oversight  Principal Compliance Officer Reporting  Senior Compliance Officer Capability  Senior Compliance Officer Oversight  Senior 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, 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 Policy and Operations Section (PPOS) – Canberra  Protocol Officers, Canberra  Policy Officers, Passports, Canberra  Regional Director, Passports, Brisbane  Regional Director, Passports, Canberra  Regional Director, Passports, Melbourne  Regional Director, Passports, Sydney | For the purpose of issuing and administering passports under the *Australian Passports Act 2005.* |
|  | AusCheck, Attorney-General’s Department | Assessors  Team Leaders  Assistant 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 Services  Director, Child & Family  Director, Legal Services  Manager, Casework  Manager, Client Services  Regional 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 - 006851  Manager Information Release - 011979  Records Management Administrator – 009486  Senior 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 | Chair  Director of Legal Unit  Director of Regulatory Assurance  Secretary  Senior Advisor to the Chair  Senior 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 Assessors  Information Technology (‘IT’) Contractors undertaking integrated management reporting and analysis functions and  Ongoing 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 Services  National Manager, Regulation and Enforcement  Assistant National Manager, Trustee Services  Assistant National Manager, Information and Registries  Assistant National Manager, Regulation and Enforcement  Business Manager, Trustee Services  Business Manager, Information and Registries  Business 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 Section  Employees of the Advanced Analytics Team  Employees of the Fusion Collection Team  Employees 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 Gathering  Team 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 Unit  Senior 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.* |