Migration Act 1958

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This compilation is in 2 volumes

Volume 1: sections 1–261K
Volume 2: sections 262–507
Schedule
Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Migration Act 1958* that shows the text of the law as amended and in force on 23 February 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 2—Arrival, presence and departure of persons

Division 14—Recovery of costs from certain persons

262 Liability to the Commonwealth for the cost of keeping, maintaining and removing certain persons

(1) A person who:

(a) is, or has been, detained under section 189; and

(b) was on board a vessel (not being an aircraft) when it was used in connection with the commission of an offence against this Act or against a prescribed law in force in the Commonwealth or in a State or Territory, being a law relating to the control of fishing; and

(ba) is convicted of the offence;

and the master, owner, agent and charterer of the vessel on which the person travelled to Australia, are, jointly and severally, liable to pay the Commonwealth:

(c) the amount applicable to the person under subsection (2) for the cost of keeping and maintaining the person while the person is in immigration detention; and

(d) the cost of transporting the person, and a person holding the person, from the vessel to the place of immigration detention; and

(e) the cost of transporting the person, and a person holding the person, between places of immigration detention; and

(f) if the person is returned to the vessel or another vessel—the cost of transporting the person, and a person holding the person, from the place of immigration detention to the vessel or that other vessel; and

(g) if the person is, or is to be, removed from Australia at the expense of the Commonwealth—the cost of that removal (including the cost of transporting a person holding the person).

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(2) The Minister may, by legislative instrument, determine a daily amount for the keeping and maintaining of a person in immigration detention at a specified place in a specified period.

(3) An amount determined under subsection (2) is to be no more than the cost to the Commonwealth of detaining a person at that place in that period.

(4) To avoid doubt, the liability to pay the Commonwealth an amount under subsection (1) may be enforced:

(a) at the time the person is convicted of an offence mentioned in paragraph (1)(b); or

(b) after the person has served the whole or a part of any sentence imposed upon the person because of his or her conviction of an offence mentioned in paragraph (1)(b).

263 Secretary or Australian Border Force Commissioner able to issue notice of debt

If:

(a) a person is liable to pay to the Commonwealth an amount under section 262; and

(b) the Secretary or Australian Border Force Commissioner gives written notice to the person giving particulars of the liability and stating that the Secretary or Australian Border Force Commissioner requires payment of a specified amount not exceeding that amount;

the specified amount is a debt recoverable by the Commonwealth from the person:

(c) in a court of competent jurisdiction; or

(d) by garnishee notice under section 264.

264 Garnishee notice

(1) If an amount (***debt***) is a debt recoverable from a person (***debtor***) by the Commonwealth under section 263 or 265, the Secretary or Australian Border Force Commissioner may by written notice given to another person:

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(a) from whom any money is due or accruing, or may become due, to the debtor; or

(b) who holds, or may later hold, money for or on account of the debtor; or

(c) who holds, or may later hold, money on account of some other person for payment to the debtor; or

(d) who has authority from some other person to pay money to the debtor;

require the person to whom the notice is given to pay to the Commonwealth:

(e) an amount specified in the notice, not exceeding the debt or the amount of the relevant money; or

(f) such amount as is specified in the notice out of each payment that the person becomes liable from time to time to make to the debtor until that debt is paid.

(2) The time for making a payment in compliance with a notice under subsection (1) is such time as is specified in it, not being a time before:

(a) the relevant money becomes due or is held; or

(b) the end of the period of 14 days after the notice is given.

(3) If the debtor is in Australia when the Secretary or Australian Border Force Commissioner gives the notice, the Secretary or Australian Border Force Commissioner must give a copy of the notice to the debtor.

(4) A person who makes a payment to the Commonwealth in compliance with the notice is taken to have made the payment under the authority of the person who owes the debt to the Commonwealth and of any other person concerned.

(5) If, after the notice is given to a person, an amount is paid by another person in reduction or satisfaction of the debt, the Secretary or Australian Border Force Commissioner must notify the person given the notice accordingly, and the amount specified in the notice is taken to be reduced by the amount paid.

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(6) If money is not due, or repayable, to a person on demand unless a condition is fulfilled, the money is taken, for the purposes of this section, to be due or repayable on demand, even though the condition has not been fulfilled.

265 Debt from failure to comply with garnishee notice

(1) If a person (***garnishee debtor***):

(a) is given a notice under section 264 in respect of a debt; and

(b) fails to comply with the notice to the extent that the garnishee debtor is capable of complying with it;

then the amount of the debt outstanding is recoverable from the garnishee debtor by the Commonwealth by:

(c) legal proceedings in a court of competent jurisdiction; or

(d) a garnishee notice under section 264.

(2) The reference in subsection (1) to the amount of the debt outstanding is a reference to whichever is the lesser of:

(a) as much of the amount required by the notice under section 264 to be paid by the garnishee debtor as the garnishee debtor was able to pay; or

(b) as much of the debt due at the time when the notice was given as remains due from time to time.

(3) If the Commonwealth recovers:

(a) the whole or a part of the debt due by the garnishee debtor; or

(b) the whole or a part of the debt due by the debtor (within the meaning of section 264);

then:

(c) both debts are reduced by the amount that the Commonwealth has so recovered; and

(d) the amount specified in the notice under section 264 is taken to be reduced by the amount so recovered.

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266 Future debts

For the purposes of this Division, an amount is a future debt in relation to a person if the Secretary or Australian Border Force Commissioner believes on reasonable grounds that the person will, under section 262, become liable to pay the amount to the Commonwealth.

267 Secretary or Australian Border Force Commissioner may freeze amounts to secure future debts

(1) If there is a future debt in relation to a person (***future debtor***), the Secretary or Australian Border Force Commissioner may by written notice given to another person:

(a) from whom any money is due or accruing, or may become due, to the future debtor; or

(b) who holds, or may later hold, money for or on account of the future debtor; or

(c) who holds, or may later hold, money on account of some other person for payment to the future debtor; or

(d) who has authority from some other person to pay money to the future debtor;

require the other person to retain for the period, not exceeding 28 days, specified in that notice:

(e) an amount specified in the notice, not exceeding the future debt or the amount of the relevant money; or

(f) such amount as is specified in the notice out of each payment that the person becomes liable from time to time to make to the future debtor until that debt is paid.

(2) If the future debtor is in Australia when the Secretary or Australian Border Force Commissioner gives the notice, the Secretary or Australian Border Force Commissioner must give a copy of the notice to the future debtor.

(3) If, after the notice is given to a person, an amount is paid by another person in respect of the future debt, the Secretary or Australian Border Force Commissioner must notify the person

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given the notice accordingly, and the amount specified in the notice is taken to be reduced by the amount paid.

(4) If money is not due, or repayable, to a person on demand unless a condition is fulfilled, the money is taken, for the purposes of this section, to be due or repayable on demand even though the condition has not been fulfilled.

268 Application of Division to the Crown

(1) This Division binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory.

(2) For the purposes of this Division, a notice may be given to the Commonwealth, a State or Territory by giving it to a person employed by the Commonwealth, State or Territory, respectively, being a person who, under a law of the Commonwealth, State or Territory, respectively, has a duty of disbursing public money, and a notice so given is taken, for the purposes of this section, to have been given to the Commonwealth, the State or the Territory, as the case may be.

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Division 14A—Monitoring compliance with student visa conditions

Subdivision A—Preliminary

268AA Definitions

In this Division:

attendance notice means a notice given under section 268BD.

document includes copy of a document.

education provider means an institution or other body or person in Australia that provides, has provided or seeks to provide courses of education or of training to persons who hold student visas.

monitoring warrant means a warrant issued under section 268CE or 268CZD.

occupier:

(a) in relation to premises comprising a vehicle or vessel—means the person apparently in charge of the vehicle or vessel; and

(b) in any case—includes a person who apparently represents the occupier.

premises means:

(a) an area of land or any other place, whether or not it is enclosed or built on; or

(b) a building or other structure; or

(c) a vehicle or vessel;

and includes a part of any such premises.

production notice means a notice given under section 268BA.

tribunal member means a member of the Administrative Appeals Tribunal.

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visa monitoring purpose means a purpose of determining whether the conditions of a particular student visa or visas, or of student visas generally, are being or have been complied with.

268AB Division binds the Crown

(1) This Division binds the Crown in each of its capacities.

(2) However, nothing in this Division makes the Crown in any capacity liable to be prosecuted for an offence.

268AD Powers conferred on magistrates in their personal capacity

(1) A power conferred on a magistrate by section 268BQ, 268CE, 268CU or 268CZD is conferred on the magistrate in a personal capacity and not as a court or a member of a court.

(2) The magistrate need not accept the power conferred.

(3) A magistrate exercising a power mentioned in subsection (1) has the same protection and immunity as if he or she were exercising that power as, or as a member of, the court of which the magistrate is a member.

Subdivision B—Notices requiring information and documents

268BA Production notices

(1) This section applies if the Secretary or Australian Border Force Commissioner reasonably believes that an individual specified in subsection (4) has, or has access to, information or documents that are relevant to a visa monitoring purpose.

(2) The Secretary or Australian Border Force Commissioner may give the individual a written notice requiring him or her to:

(a) give any information or documents relevant to the visa monitoring purpose to an authorised officer; or

(b) show any such documents to an authorised officer; or

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(c) make copies of any such documents and give the copies to an authorised officer.

Note: The Secretary or Australian Border Force Commissioner may also give the individual an attendance notice: see section 268BD.

(3) If the information or documents are in a particular form then the production notice may require the information or documents to be given in that form.

(4) The individuals who may be given a production notice are:
(a) an officer or employee of an education provider; or
(b) a consultant to an education provider; or
(c) a partner in an education provider; or
(d) an individual trading as an education provider.

(5) A production notice under this section may be given even if any relevant student visa is no longer in effect or the holder of any such visa is no longer enrolled in a course provided by the education provider.

268BB Contents of the production notice

(1) A production notice must:
(a) state that it is given under section 268BA; and
(b) set out the effects of sections 268BH, 268BI and 268BJ; and
(c) state how and by when the information or documents must be given or shown.

(2) In so far as the notice covers information or documents:
(a) that relate to any extent to the calendar year in which the notice is given; and
(b) that are required to be given or shown on the premises where they are currently located;

the time mentioned in paragraph (1)(c) must be at least 24 hours after the notice is given.

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(3) In so far as the notice covers any other information or documents, the time mentioned in paragraph (1)(c) must be at least 72 hours after the notice is given.

268BC Serving production notices

(1) The Secretary or Australian Border Force Commissioner must give a production notice to an individual:

(a) by delivering it to the individual personally; or

(b) by:

(i) leaving it at the address of the individual's place of residence or business last known to the Secretary or Australian Border Force Commissioner; and

(ii) taking reasonably practicable action to draw the individual's attention to the notice; or

(c) by sending it by ordinary or any other class of pre-paid post to the individual's place of residence or business last known to the Secretary or Australian Border Force Commissioner.

(2) However, if the Secretary or Australian Border Force Commissioner uses the method in paragraph (1)(c), the time mentioned in paragraph 268BB(1)(c) must be at least 14 days after the notice is given (instead of at least 24 hours or 72 hours).

Note: Section 29 of the *Acts Interpretation Act 1901* sets out when the notice is taken to have been given if the notice is posted to the individual.

268BD Attendance notices

(1) This section applies if the Secretary or Australian Border Force Commissioner reasonably believes that an individual specified in subsection (3) has, or has access to, information or documents that are relevant to a visa monitoring purpose.

(2) The Secretary or Australian Border Force Commissioner may give the individual written notice requiring the individual to attend before an authorised officer and answer questions about the matter.

Note: The Secretary or Australian Border Force Commissioner may also give the individual a production notice: see section 268BA.

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(3) The individuals who may be given an attendance notice are:
  (a) an officer or employee of an education provider; or
  (b) a consultant to an education provider; or
  (c) a partner in an education provider; or
  (d) an individual trading as an education provider.

(4) An attendance notice under this section may be given even if any relevant student visa is no longer in effect or the holder of any such visa is no longer enrolled in a course provided by the education provider.

268BE Contents of attendance notice

(1) An attendance notice must:
  (a) state that it is given under section 268BD; and
  (b) set out the effects of sections 268BH, 268BI and 268BJ; and
  (c) state where and when the individual is to attend.

The time mentioned in paragraph (c) must be at least 14 days after the notice is given.

(2) An attendance notice may be included in the same document as a production notice, if the notices are being given to the same individual.

268BF Scales of expenses

The regulations may prescribe scales of expenses to be allowed to persons required to give information or documents under this Subdivision.

268BG Reasonable compensation for giving copies

A person is entitled to be paid by the Commonwealth reasonable compensation for complying with a requirement covered by paragraph 268BA(2)(c) (copies of documents given under production notices).

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268BH Offence: failing to comply with a notice

(1) A person who refuses or fails to comply with a production or attendance notice commits an offence.

Penalty: Imprisonment for 6 months.

(2) However, a person does not commit an offence in relation to a production notice if the person complied with the notice to the extent that it was practicable to do so within the period allowed by the notice.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

(3) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

268BI Offence: giving false or misleading information

A person who gives false or misleading information in the course of complying or purporting to comply with a production or attendance notice commits an offence.

Penalty: Imprisonment for 12 months.

268BJ Offence: giving false or misleading document

(1) A person who gives or shows a document that is false or misleading in a material particular, in the course of complying or purporting to comply with a production or attendance notice, commits an offence.

Penalty: Imprisonment for 12 months.

(2) However, the person does not commit the offence if the document is accompanied by a written statement signed by the person:

(a) stating that the document is, to the person's knowledge, false or misleading in the material particular concerned; and

(b) setting out or referring to the material particular.

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Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

268BK Information and documents that incriminate a person

(1) A person is not excused from the requirement to comply with a production or attendance notice on the ground that doing so might tend to incriminate the person or expose the person to a penalty.

(2) However, if the person is an individual:

(a) the information, document or answer to the question; or

(b) any other information, document or thing obtained as a direct or indirect result of complying with a notice;

is not admissible in evidence against the individual in any criminal proceedings other than proceedings under, or arising out of, section 268BI or 268BJ.

268BL Copies of documents

An authorised officer, or another officer with an authorised officer's permission, may:

(a) inspect a document given or shown to the authorised officer under this Subdivision; and

(b) make and retain copies of, or take and retain extracts from, such a document; and

(c) retain a copy of a document given to the authorised officer in accordance with a requirement covered by paragraph 268BA(2)(c) (copies of documents given under production notices).

268BM Officer may retain documents

(1) An authorised officer, or another officer with an authorised officer's permission, may retain a document given to the authorised officer under this Subdivision:

(a) for the purposes of this Act; or

(b) for the purposes of an investigation as to whether an offence has been committed; or

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(c) to enable evidence of an offence to be secured for the purposes of a prosecution.

(2) However, the document must not be retained for longer than 60 days after the authorised officer was given the document.

Note: The authorised officer may apply to retain the document for a further period: see section 268BP.

268BN Owner of document must be given copy

(1) If an officer retains a document under section 268BM, then the Secretary or Australian Border Force Commissioner must as soon as practicable:

(a) certify a copy of the document to be a true copy; and

(b) give the copy to the person (the ***owner***) otherwise entitled to possession of the document.

(2) The certified copy must be received in all courts and tribunals as evidence as if it had been the original.

(3) Until the certified copy is given, the owner, or a person authorised by the owner, may inspect and make copies of, or take and retain extracts from, the original document at the times and places that the Secretary or Australian Border Force Commissioner thinks appropriate.

268BO Retaining documents

(1) This section applies 60 days after a document is given to an authorised officer under this Subdivision.

(2) The authorised officer must take reasonable steps to return the document to the person who gave the officer the document or to the owner if that person is not entitled to possess it.

(3) However, the authorised officer does not have to take those steps if:

(a) the authorised officer may retain the document because of an order under section 268BQ; or

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(b) the authorised officer is otherwise authorised (by a law, or an order of a court, of the Commonwealth or a State) to retain, destroy or dispose of the document.

268BP Officer may apply to magistrate or tribunal member for a further period

(1) An authorised officer given a document under this Subdivision, or another officer who is currently retaining such a document, may apply to a magistrate or tribunal member for an order that the officer may retain the document for a further period.

(2) The application must be made before the end of:
  (a) 60 days after the document was given to the authorised officer; or
  (b) a period previously specified in an order of a magistrate or tribunal member under section 268BQ.

(3) Before making the application, the officer must:
  (a) take reasonable steps to discover which persons' interests would be affected by the retention of the document; and
  (b) if it is practicable to do so, notify each person who the officer believes to be such a person of the proposed application.

268BQ Magistrate or tribunal member may order retention for further period

(1) The magistrate or tribunal member may order that the officer who made the application under section 268BP may retain the document if the magistrate or tribunal member is satisfied that it is necessary for the officer to retain it:
  (a) for the purposes of this Act; or
  (b) for the purposes of an investigation as to whether an offence has been committed; or
  (c) to enable evidence of an offence to be secured for the purposes of a prosecution.

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(2) The order must specify the period for which the officer may retain the document.

Subdivision C—Searching education providers' premises

268CA Authorised officer may enter premises for a visa monitoring purpose

(1) An authorised officer may for a visa monitoring purpose:
  (a) enter any premises:
    (i) occupied by an education provider for the purposes of providing courses of education or of training; or
    (ii) at which it is reasonable to believe there might be a thing belonging to or possessed by an education provider, or an activity conducted by or with the consent of the provider, that is relevant to a visa monitoring purpose (whether or not those premises are occupied by the provider); and
  (b) exercise the monitoring powers set out in section 268CI.

(2) An authorised officer is not authorised to enter premises under subsection (1) unless:
  (a) the occupier of the premises has consented to the entry and the officer has shown his or her identity card if requested by the occupier; or

    Note: Section 268CC sets out the requirements for obtaining the occupier's consent.

  (b) the entry is made under a monitoring warrant.

    Note: Monitoring warrants are issued under section 268CE or 268CZD.

(3) The powers in this Subdivision may be exercised even if any relevant student visa is no longer in effect or the holder of any such visa is no longer enrolled in a course provided by the education provider.

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268CB Being on premises with consent

(1) An authorised officer may enter premises under section 268CA with the consent of the occupier of the premises at any reasonable time of the day or night.

(2) However, the authorised officer must leave the premises if the occupier asks the officer to do so.

268CC Consent

(1) Before obtaining the consent of a person for the purposes of paragraph 268CA(2)(a), the authorised officer must inform the person that he or she may refuse consent.

(2) An entry of an authorised officer with the consent of a person is not lawful unless the person voluntarily consents to the entry.

268CD Authorised officer may apply for monitoring warrant

(1) An authorised officer may apply to a magistrate or tribunal member for a monitoring warrant in relation to premises mentioned in subsection 268CA(1).

Note: Monitoring warrants may also be obtained by telephone, fax or other electronic means in urgent circumstances: see section 268CZD.

(2) The officer must give the magistrate or tribunal member an information on oath or affirmation that sets out the grounds for seeking the warrant.

268CE Magistrate or tribunal member may issue monitoring warrant

The magistrate or tribunal member may issue a monitoring warrant if he or she is satisfied that it is reasonably necessary that one or more authorised officers have access to the premises mentioned in subsection 268CA(1) for a visa monitoring purpose.

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268CF Magistrate or tribunal member may require more information

(1) The magistrate or tribunal member may require an authorised officer or other person to give the magistrate or tribunal member further information on oath or affirmation concerning the grounds on which the monitoring warrant is being sought before issuing it.

(2) The information may be given either orally or by affidavit.

(3) The magistrate or tribunal member must not issue the warrant until the officer or other person has given the required information.

268CG Contents of monitoring warrant

(1) A monitoring warrant must:
  (a) authorise one or more authorised officers:
    (i) to enter the premises; and
    (ii) to exercise the powers under section 268CI in relation to the premises; and
  (b) state whether the entry is authorised at any time of the day or night or during specified hours of the day or night; and
  (c) state the day and time at which it ceases to have effect (which must be no later than 7 days after it is issued); and
  (d) state the purpose for which the warrant is issued; and
  (e) state that the warrant is issued under section 268CE.

(2) The authorised officers do not have to be named in the warrant.

268CH Use of reasonable force and assistance

An authorised officer may use such assistance and force as is necessary and reasonable in entering the premises under a monitoring warrant and exercising the powers under section 268CI.

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268CI Monitoring powers of authorised officers

(1) For the purposes of this Subdivision, the following are the ***monitoring powers*** that an authorised officer may exercise in relation to premises under section 268CA:

(a) to search the premises, and any receptacle on the premises, for any thing on the premises belonging to or possessed by the education provider that might be relevant to a visa monitoring purpose;

(b) to examine any such thing;

(c) to examine any activity that is conducted on the premises by, or with the consent of, the education provider that might be relevant to a visa monitoring purpose;

(d) to take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;

(e) to inspect any document on the premises belonging to or possessed by the education provider that might be relevant to a visa monitoring purpose;

(f) to take extracts from or make copies of any such document;

(g) to take onto the premises any equipment and materials that the authorised officer requires for the purpose of exercising powers in relation to the premises;

(h) the powers in subsections (2), (3) and (5).

(2) For the purposes of this Subdivision, the ***monitoring powers*** include the power to operate equipment that is on the premises to see whether:

(a) the equipment; or

(b) a disk, tape or other storage device that:

(i) is on the premises; and

(ii) can be used with the equipment or is associated with it;

contains information belonging to the education provider that is relevant to a visa monitoring purpose.

(3) For the purposes of this Division, the ***monitoring powers*** include the following powers in relation to information described in

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subsection (2) that is found in the exercise of the power under that subsection:

(a) to operate facilities that are on the premises to put the information in documentary form and remove the documents so produced;

(b) to operate such facilities to transfer the information to a disk, tape or other storage device that:

(i) is brought to the premises for the exercise of the power; or

(ii) is on the premises and the use of which for that purpose has been agreed to in writing by the education provider or occupier (as appropriate);

(c) to remove from the premises a disk, tape or other storage device to which the information has been transferred in exercise of the power under paragraph (b).

(4) The powers mentioned in subsections (2) and (3) must be exercised in accordance with sections 268CO, 268CP and 268CQ.

(5) If an authorised officer, during a search of premises, reasonably believes that there is on the premises a thing that might afford evidence of the commission of an offence against this Act or the regulations, the *Crimes Act 1914* or the *Criminal Code*, the ***monitoring powers*** include securing the thing pending the obtaining of a warrant to seize it.

268CJ Authorised officer on premises with consent may ask questions

An authorised officer who is only authorised to enter premises because the occupier of the premises consented to the entry may:

(a) ask the occupier to:

(i) answer any questions that are relevant to a visa monitoring purpose; and

(ii) give or show the officer any document requested by the officer that is relevant to the matter; or

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(b) ask any person on the premises to answer any questions that may facilitate the exercise of monitoring powers in relation to the premises.

Note: A person could commit an offence if, under this section, the person gives false or misleading information or shows a document that is false or misleading in a material particular: see sections 268CM and 268CN.

268CK Authorised officer on premises under warrant may ask questions

An authorised officer who is authorised to enter premises by a monitoring warrant may:

(a) require the occupier of the premises to:

(i) answer any questions that are relevant to a visa monitoring purpose; and

(ii) give or show the officer any document requested by the officer that is relevant to a visa monitoring purpose; or

(b) require any person on the premises to answer any questions that may facilitate the exercise of monitoring powers in relation to the premises.

Note 1: A person could commit an offence if the person fails to comply with a requirement under this section: see section 268CL.

Note 2: A person could commit an offence if, under this section, the person gives false or misleading information or shows a document that is false or misleading in a material particular: see sections 268CM and 268CN.

268CL Offence: failure to answer question

(1) A person commits an offence if the person refuses or fails to comply with a requirement under section 268CK (officer on premises under warrant may ask questions).

Penalty: Imprisonment for 6 months.

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(2) However, a person does not commit an offence if answering the question or giving or showing the document might tend to incriminate the person or expose the person to a penalty.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

(3) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

268CM Offence: giving false or misleading information

A person who gives false or misleading information in the course of complying or purporting to comply with a request under section 268CJ or a requirement under section 268CK commits an offence.

Penalty: Imprisonment for 12 months.

268CN Offence: giving or showing documents that are false or misleading in material particulars

(1) A person who gives or shows a document that is false or misleading in a material particular, in the course of complying or purporting to comply with a request under section 268CJ or a requirement under section 268CK, commits an offence.

Penalty: Imprisonment for 12 months.

(2) However, the person does not commit an offence if the document is accompanied by a written statement signed by the person:

(a) stating that the document is, to the person's knowledge, false or misleading in the material particular concerned; and

(b) setting out or referring to the material particular.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

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268CO Use of electronic equipment in exercising monitoring powers

In order to exercise monitoring powers, an authorised officer or a person assisting may operate electronic equipment on the premises if he or she reasonably believes that this can be done without damaging the equipment or data recorded on the equipment.

Note: Compensation may be payable in certain circumstances if the equipment or data is damaged: see section 268CY.

268CP Use of electronic equipment by experts

(1) This section applies if the authorised officer or a person assisting reasonably believes that:

(a) there is on the premises information belonging to the education provider concerned:

(i) that is relevant to a visa monitoring purpose; and

(ii) that might be accessible by operating electronic equipment that is on the premises; and

(b) expert assistance is required to operate the equipment; and

(c) if he or she does not take action under subsection (2), the information might be destroyed, altered or otherwise interfered with.

(2) The authorised officer or person assisting may do whatever is necessary to secure the equipment.

(3) Before doing so, the authorised officer or person assisting must give notice to the occupier of the premises of:

(a) his or her intention to secure equipment; and

(b) the fact that the equipment may be secured for up to 24 hours.

(4) The equipment may only be secured until the earlier of:

(a) 24 hours later; or

(b) the equipment being operated by the expert.

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268CQ Extension of period

(1) If an authorised officer or a person assisting reasonably believes that the expert assistance will not be available within 24 hours, he or she may apply to a magistrate or tribunal member for an extension of the period.

(2) The authorised officer or a person assisting must give notice to the occupier of the premises of his or her intention to apply for an extension. The occupier is entitled to be heard in relation to that application.

(3) The provisions of this Subdivision relating to the issue of monitoring warrants apply, with such modifications as are necessary, to the issue of an extension.

268CR Powers without warrant in emergency situations

(1) This section applies when an authorised officer is on premises under section 268CA if the officer reasonably suspects that:
   (a) a thing relevant to an offence against this Act or the regulations, the *Crimes Act 1914* or the *Criminal Code* is on the premises; and
   (b) it is necessary to exercise a power under subsection (2) in order to prevent the thing from being concealed, lost or destroyed; and
   (c) it is necessary to exercise the power without the authority of a monitoring warrant because the circumstances are so serious and urgent.

(2) The authorised officer may:
   (a) search the premises, and any receptacle on the premises, for the thing; and
   (b) seize the thing if he or she finds it there; and
   (c) exercise the powers mentioned in subsections 268CI(2) and (3) in relation to the thing.

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268CS Retaining seized things

(1) This section applies to an authorised officer when one of the following happens in respect of a thing seized under section 268CR:

(a) the reason for the thing's seizure no longer exists or it is decided that the thing is not to be used in evidence; or

(b) the period of 60 days after the thing's seizure ends.

(2) The authorised officer must take reasonable steps to return the thing to the person from whom it was seized or to the owner if that person is not entitled to possess it.

(3) However, the authorised officer does not have to take those steps if:

(a) in a paragraph (1)(b) case:

(i) proceedings in respect of which the thing might afford evidence have been instituted before the end of the 60 days and have not been completed (including an appeal to a court in relation to those proceedings); or

(ii) the authorised officer may retain the thing because of an order under section 268CU; or

(b) in any case—the authorised officer is otherwise authorised (by a law, or an order of a court or a tribunal, of the Commonwealth or a State) to retain, destroy or dispose of the thing; or

(c) the thing is forfeited or forfeitable to the Commonwealth or is the subject of a dispute as to ownership.

268CT Authorised officer may apply for a thing to be retained for a further period

(1) This section applies if an authorised officer has seized a thing under section 268CR and proceedings in respect of which the thing might afford evidence have not commenced before the end of:

(a) 60 days after the seizure; or

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(b) a period previously specified in an order of a magistrate or tribunal member under section 268CU.

(2) The authorised officer may apply to a magistrate or tribunal member for an order that the officer may retain the thing for a further period.

(3) Before making the application, the authorised officer must:
(a) take reasonable steps to discover which persons' interests would be affected by the retention of the thing; and
(b) if it is practicable to do so, notify each person who the officer believes to be such a person of the proposed application.

268CU Magistrate or tribunal member may order that thing be retained

(1) The magistrate or tribunal member may order that the authorised officer who made an application under section 268CT may retain the thing if the magistrate or tribunal member is satisfied that it is necessary for the officer to do so:
(a) for the purposes of an investigation as to whether an offence has been committed; or
(b) to enable evidence of an offence to be secured for the purposes of a prosecution.

(2) The order must specify the period for which the officer may retain the thing.

268CV Occupier to provide authorised officer with all facilities and assistance

(1) The occupier of the premises to which a monitoring warrant relates must provide the authorised officer executing the warrant and any person assisting that officer with all reasonable facilities and assistance for the effective exercise of their powers.

(2) A person commits an offence if the person contravenes subsection (1).

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Penalty for contravention of this subsection: 10 penalty units.

268CW Announcement before entry

An authorised officer executing a monitoring warrant must, before entering premises under the warrant:

(a) announce that he or she is authorised to enter the premises; and

(b) give a person on the premises (if there is one) an opportunity to allow entry to the premises.

268CX Copy of monitoring warrant to be given to occupier before entry

(1) If a monitoring warrant is being executed on premises and the occupier of the premises is present, the authorised officer must make a copy of the warrant available to the occupier.

(2) The authorised officer must identify himself or herself to that person.

268CY Compensation for damage to electronic equipment or data

(1) This section applies if:

(a) damage is caused to equipment as a result of it being operated as mentioned in section 268CO; or

(b) the data recorded on the equipment is damaged or programs associated with its use are damaged or corrupted;

because:

(c) insufficient care was exercised in selecting the person who was to operate the equipment; or

(d) insufficient care was exercised by the person operating the equipment.

(2) The Commonwealth must pay the owner of the equipment, or the user of the data or programs, such reasonable compensation for the damage or corruption as they agree on.

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(3) However, if the owner or user and the Commonwealth fail to agree, the owner or user may institute proceedings in the Federal Court for such reasonable amount of compensation as the Court determines.

(4) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises and his or her employees and agents, if they were available at the time, provided any appropriate warning or guidance on the operation of the equipment.

(5) Compensation is payable out of money appropriated by the Parliament.

(6) For the purposes of subsection (1), ***damage to data*** includes damage by erasure of data or addition of other data.

268CZ Occupier entitled to be present during execution of monitoring warrant

(1) If a monitoring warrant is being executed at premises and the occupier of the premises is present, the occupier is entitled to observe the execution of the warrant.

(2) The right to observe the execution of the warrant ceases if the occupier impedes that execution.

(3) This section does not prevent the execution of the warrant in 2 or more areas of the premises at the same time.

268CZA Identity cards

(1) For the purposes of this Subdivision, an authorised officer's ***identity card*** must be in a form approved by the Secretary or Australian Border Force Commissioner. It must contain a recent photograph of the authorised officer.

(2) A person commits an offence if:

(a) the person holds or held an identity card for the purposes of this Subdivision; and

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(b) the person ceases to be an authorised officer for all purposes under this Act; and

(c) the person does not, as soon as is practicable after so ceasing, return the identity card to the Secretary or Australian Border Force Commissioner.

Penalty: 1 penalty unit.

(3) This offence is one of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4) However, the person does not commit the offence if the identity card was lost or destroyed.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4): see subsection 13.3(3) of the *Criminal Code*.

(5) An authorised officer must carry an identity card at all times when exercising powers under this Subdivision.

268CZB Authorised officer must produce identity card on request

An authorised officer is not entitled to exercise any powers under this Subdivision in relation to premises if:

(a) the occupier of the premises requests the authorised officer to show his or her identity card to the occupier; and

(b) the authorised officer fails to comply with the request.

268CZC Officer may apply for warrants by telephone etc.

(1) An authorised officer may apply to a magistrate or tribunal member for a warrant under section 268CE by telephone, fax or other electronic means if the officer thinks it necessary to do so because of urgent circumstances.

(2) The magistrate or tribunal member may require communication by voice to the extent that it is practicable in the circumstances.

(3) Before making the application, the authorised officer must prepare an information that sets out the grounds for seeking the warrant.

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(4) However, the officer may make the application before the information has been sworn or affirmed, if necessary.

268CZD Magistrate or tribunal member may grant warrant by telephone etc.

(1) Before issuing the warrant the magistrate or tribunal member must:
  (a) consider the information prepared under subsection 268CZC(3); and
  (b) receive any further information that the magistrate or tribunal member may require about the grounds on which the warrant is being sought.

(2) The magistrate or tribunal member may issue the warrant if the magistrate or tribunal member is satisfied:
  (a) that it is reasonably necessary that one or more authorised officers have access to the premises for a visa monitoring purpose; and
  (b) that there are reasonable grounds for issuing the warrant by telephone, fax or other electronic means.

268CZE Procedure for issuing warrant by telephone etc.

(1) If the magistrate or tribunal member issues a monitoring warrant under section 268CZD, the magistrate or tribunal member must complete and sign a warrant that is the same as the monitoring warrant that the magistrate or tribunal member would have issued if the application had been made under section 268CD.

(2) The magistrate or tribunal member must also:
  (a) inform the authorised officer of:
    (i) the terms of the warrant; and
    (ii) the day and time when it was signed; and
    (iii) the time at which it ceases to have effect (which must be no later than 48 hours after it is signed); and
  (b) record on the warrant the reasons for issuing it.

(3) The authorised officer must:

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(a) complete a form of warrant in the terms given to the authorised officer by the magistrate or tribunal member; and
(b) write on it the magistrate's or tribunal member's name and the day and time when the warrant was signed.

268CZF Procedure after telephone warrant ceases or is executed

(1) An authorised officer who completes a form of warrant under section 268CZE must send the magistrate or tribunal member who signed the monitoring warrant:
  (a) the form of warrant completed by the authorised officer; and
  (b) the information duly sworn or affirmed in connection with the warrant.

(2) The form of warrant and information must be sent by the end of the day after the earlier of:
  (a) the day on which the warrant ceases to have effect; or
  (b) the day on which the warrant is executed.

(3) The magistrate or tribunal member must:
  (a) attach the monitoring warrant signed by the magistrate or tribunal member under section 268CZE to the form of warrant and information; and
  (b) deal with the documents in the same way that the magistrate or tribunal member would have dealt with them if the application for the warrant had been made under section 268CD.

268CZG Form of warrant authorises exercise of power

The form of warrant completed under section 268CZE is authority for any exercise of a power that the monitoring warrant issued under section 268CZD is authority for, if the form of warrant is in accordance with the terms of the monitoring warrant.

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268CZH Court to assume that exercise of power not authorised by telephone etc. warrant

A court must assume (unless the contrary is proved) that an exercise of power was not authorised by a monitoring warrant if the monitoring warrant signed by the magistrate or tribunal member under section 268CZE is not produced in evidence.

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Division 15—General

269 Securities

(1) An authorized officer may, subject to subsection (1A), require and take security for compliance with the provisions of this Act or the regulations or with any condition imposed in pursuance of, or for the purposes of, this Act or the regulations:

(a) by a deposit of cash, Treasury Bonds or negotiable instruments, together with a memorandum of deposit in a form approved by the Minister; or

(b) in accordance with a form of security approved by the Minister.

(1A) The power of an authorized officer to require and take security under subsection (1) in relation to an application for a visa applies only if:

(a) the security is for compliance with conditions that will be imposed on the visa in pursuance of, or for the purposes of, this Act or the regulations, if the visa is granted; and

(b) the officer has indicated those conditions to the applicant.

(2) A security given in accordance with a form approved by the Minister shall, without sealing, bind its subscribers as if it were sealed and, unless otherwise provided in the security, jointly and severally and for the full amount.

(3) Whenever a security under this Act is put in suit, the production of the security without further proof shall entitle the Commonwealth to judgment for their stated liabilities against the persons appearing to have executed the security unless the defendants prove compliance with the conditions of the security or that the security was not executed by them or release or satisfaction.

(4) If it appears to the court that a non-compliance with a condition of a security under this Act has occurred, the security shall not be deemed to have been discharged or invalidated, and the subscribers

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shall not be deemed to have been released or discharged from liability, by reason of:

(a) an extension of time or other concession;

(b) any consent to, or acquiescence in, a previous non-compliance with a condition; or

(c) any failure to bring suit against the subscribers upon the occurrence of a previous non-compliance with the condition.

270 Reports of absences of crews of vessels

(1) Where, at or after the departure from a port in Australia of a vessel that has entered Australia from overseas, the master, owner, charterer or agent of the vessel reports in writing to an officer that a specified person was a member of the crew of the vessel on board the vessel at the time of its arrival at that port and is or was absent from the vessel at the time of its departure from that port, and states in the report whether that member left the vessel at that port with leave or without leave, that report is, for the purposes of proceedings under or in relation to this Act, prima facie evidence of the matters contained in the report and:

(a) if the report states that the member left the vessel with leave—that the member entered Australia, with leave, from the vessel during the vessel's stay at that port and remained in Australia after the vessel left that port; or

(b) if the report states that the member left the vessel without leave—that the member entered Australia, without leave, from the vessel during the vessel's stay at that port.

(2) Where, during the stay at a port in Australia of a vessel that has entered Australia from overseas, the master of the vessel reports in writing to an officer that a specified person was included in the complement of the vessel, or a member of the crew of the vessel, on board the vessel at the time of its arrival at that port and:

(a) at any time during the vessel's stay at that port, left the vessel without leave; or

(b) at any time during the vessel's stay at that port, left the vessel with leave, but has become absent without leave;

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the report is, for the purposes of proceedings under or in relation to this Act, prima facie evidence of the matters contained in the report.

271 Proof of certain matters

(1) In migration proceedings:

(a) official documents of the Commonwealth or of a State or Territory, and letters and telegrams, or copies of letters and telegrams, and affidavits produced out of official custody and purporting to have been sent or made by an officer, are, if they contain information or statements upon matters relevant to the proceedings, admissible as evidence of that information or of the matters stated; and

(b) a certificate signed by an officer stating that:

(i) at a time, or during a period, specified in the certificate a specified person was, or was not, the holder of, a visa that was in effect; or

(ii) a specified visa was granted subject to specified conditions or to a specified limitation as to period;

is prima facie evidence of the matters stated in the certificate; and

(c) the production out of official custody of a document purporting to be a report made by the master, owner, charterer or agent of a vessel to an officer as to a matter relevant to the operation of this Act is prima facie evidence that the document is such a report; and

(d) a list of passengers in a vessel, or a passenger card relating to a passenger in a vessel, furnished in accordance with the regulations, is prima facie evidence that the person named on the list or card as the operator of the vessel is the operator of the vessel; and

(e) a notation in a person's passport specifying a proclaimed airport and date (being a notation made by an authorised officer in a form approved by the Minister) is prima facie evidence that the person was immigration cleared on that date; and

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(f) a notation in a person's passport to the effect that the person departed on a specified pre-cleared flight from a specified foreign country on a specified date (being a notation made by an authorised officer in a form approved by the Minister) is prima facie evidence that the person entered Australia on that pre-cleared flight; and

(g) for the purpose of proving that a person entered Australia on, or left Australia in, an aircraft (whether or not the person travelled to Australia on a pre-cleared flight), a certified printout of the relevant movement records is prima facie evidence of the matters contained in the printout; and

(h) for the purpose of proving that a person entered Australia on, or left Australia on, a vessel, a list of any passengers on that vessel, or a passenger card relating to a passenger on that vessel, furnished in accordance with the regulations is admissible in evidence, and production of such a list or passenger card bearing a name that is the same as the name of that person shall be deemed to be proof that that person entered Australia on, or left Australia on, that vessel on the voyage in respect of which the list or passenger card was furnished, unless the contrary is proved; and

(i) for the purpose of proving that a person has, in a place outside Australia, been convicted of a particular crime (including an attempt to commit a crime) and has been sentenced to a particular sentence in respect of the conviction, fingerprint records, photographs and documents or copies thereof, and certificates in relation to any fingerprint records, photographs or documents or copies thereof, are admissible in the evidence if they:

(i) are produced out of the custody of a police or prison officer of the Commonwealth or of a State or Territory; and

(ii) purport to be certified or given under the hand of a police or prison officer, or like authority, of a place outside Australia;

and any such certificate is prima facie evidence of the matters stated in the certificate; and

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(j) evidence that a person who travelled to and entered Australia on board a vessel, when entering, either:

(i) failed to produce to an officer, upon demand by that officer, a passport; or

(ii) produced to an officer a passport that was not an Australian passport;

is prima facie evidence that the person was, when entering, a non-citizen; and

(k) evidence that a non-citizen who entered Australia on board a vessel failed, when entering, to produce to an officer, upon demand by that officer, evidence of a visa:

(i) that is in effect; and

(ii) that permits the non-citizen to travel to and enter Australia;

is prima facie evidence that the non-citizen did not, when entering, hold such a visa; and

(l) a certificate signed by an officer stating whether or not a specified computer program was functioning correctly:

(i) at a specified time or during a specified period; and

(ii) in relation to specified outcomes from the operation of that program under an arrangement made under subsection 495A(1);

is prima facie evidence of the matters stated in the certificate; and

(m) a certificate signed by an officer stating:

(i) whether or not a specified person used a specified computer system at a specified time, or during a specified period, to obtain information about another specified person; and

(ii) if the specified computer system was so used—the information about the other specified person that was provided by the system to the user at that time or during that period;

is prima facie evidence of the matters stated in the certificate.

Note: ***Functioning correctly*** is defined in subsection (5).

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(2) In subsection (1), the reference to official documents of a Territory shall be read, in the case of the Territory of Christmas Island, as including official documents of that Territory that were in existence at the commencement of this subsection.

(3) In subsection (1), the reference to official documents of a Territory shall be read, in the case of the Coral Sea Islands Territory or the Territory of Cocos (Keeling) Islands, as including official documents of that Territory that were in existence at the commencement of this subsection.

(4) In this section:

migration proceedings means:

(a) proceedings in a court (including criminal proceedings):

(i) under this Act, or in relation to an offence against this Act or a contravention of a civil penalty provision; or

(ii) in relation to a deportation order; or

(b) proceedings in the Tribunal for the review of a decision under this Act, including a decision to make a deportation order; or

(c) proceedings in the Immigration Assessment Authority for the review of a fast-track reviewable decision.

Note: For ***offence against this Act***, see subsection 5(1).

(5) For the purposes of paragraph 271(1)(l), a computer program is ***functioning correctly*** if:

(a) outcomes from its operation comply with this Act and the regulations; and

(b) those outcomes would be valid if they were made by the Minister otherwise than by the operation of the computer program.

272 Migrant centres

(1) The Minister may, on behalf of the Commonwealth, cause to be established and maintained premises and places (in this section

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referred to as ***migrant centres***) for the reception, accommodation or training of non-citizens.

(2) Non-citizens may be admitted to migrant centres in such circumstances, on such terms and conditions, and subject to the payment of such charges, as the Minister approves.

(3) The regulations may make provision for and in relation to the regulation of migrant centres, including provision with respect to the establishment and operation of canteen services in migrant centres, the conduct or control of persons in migrant centres and the removal of persons from migrant centres.

(4) Nothing in this section shall be deemed to affect any arrangements made or to be made in relation to, or the carrying on of the business of, the company known as Commonwealth Hostels Limited.

273 Detention centres

(1) The Minister may, on behalf of the Commonwealth, cause detention centres to be established and maintained.

(2) The regulations may make provision in relation to the operation and regulation of detention centres.

(3) Without limiting the generality of subsection (2), regulations under that subsection may deal with the following matters:
  (a) the conduct and supervision of detainees;
  (b) the powers of persons performing functions in connection with the supervision of detainees.

(4) In this section:

detention centre means a centre for the detention of persons whose detention is authorised under this Act.

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274 Secretary or Australian Border Force Commissioner may issue documents containing information concerning certain persons

(1) This section applies to a person who:

(a) is a deportee who has not yet been deported; or

(b) is a removee who has not yet been removed; or

(c) has been refused immigration clearance and has not subsequently been immigration cleared.

(2) Where the Secretary or Australian Border Force Commissioner thinks that the issue to a person of a document under subsection (3) relating to another person, being a person to whom this section applies, would facilitate the making of arrangements for the transportation, by aircraft, of the other person from Australia, the Secretary or Australian Border Force Commissioner may give the first-mentioned person a document under subsection (3) relating to the other person.

(3) A document for the purposes of subsection (2):

(a) shall be in the prescribed form;

(b) shall state, to the best of the Secretary's, insert "or Australian Border Force Commissioner's knowledge, the name and nationality of the person concerned; and

(c) may include such other information as the Secretary or Australian Border Force Commissioner thinks appropriate.

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Part 3—Migration agents and immigration assistance

Division 1—Preliminary

275 Interpretation

In this Part, unless the contrary intention appears:

cancellation review applicant means an applicant for:

(a) review of a decision to cancel a visa held by the applicant; or

(b) revocation under section 137L of the cancellation of a visa held by the applicant; or

(c) review of a decision under that section not to revoke such a cancellation.

cancellation review application, in relation to a cancellation review applicant, means the application by the applicant.

high visa refusal rate, in relation to a visa of a particular class, has the meaning given by section 306AC.

Institute means the Migration Institute of Australia Limited (A.C.N. 003 409 390).

Migration Agents Registration Authority means:

(a) if an appointment of the Institute is in force under section 315—the Institute; or

(b) otherwise—the Minister.

migration procedure means the law, and administrative practice, relating to immigration.

official means:

(a) a person appointed or engaged under the *Public Service Act 1999*; or

(c) a member of the public service of a State or Territory; or

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(d) a member of the staff of a Parliamentarian.

parliamentarian means:

(a) a Senator; or

(b) a Member of the House of Representatives; or

(c) a member of the Parliament of a State; or

(d) a member of the Legislative Assembly of a Territory.

Register means the Register of Migration Agents kept under section 287.

registered migration agent means an individual registered as a migration agent under section 286.

registration application means an application to be registered as a migration agent.

registration application fee means charge imposed by section 4 of the *Migration Agents Registration Application Charge Act 1997* on a registration application.

registration status charge means charge imposed by section 10 of the *Migration Agents Registration Application Charge Act 1997*.

review authority means:

(a) the the Tribunal in reviewing a Part 5-reviewable decision; or

(b) the the Tribunal in reviewing a Part 7-reviewable decision; or

(c) the Immigration Assessment Authority.

276 Immigration assistance

(1) For the purposes of this Part, a person gives ***immigration assistance*** if the person uses, or purports to use, knowledge of, or experience in, migration procedure to assist a visa applicant or cancellation review applicant by:

(a) preparing, or helping to prepare, the visa application or cancellation review application; or

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(b) advising the visa applicant or cancellation review applicant about the visa application or cancellation review application; or

(c) preparing for proceedings before a court or review authority in relation to the visa application or cancellation review application; or

(d) representing the visa applicant or cancellation review applicant in proceedings before a court or review authority in relation to the visa application or cancellation review application.

(2) For the purposes of this Part, a person also gives ***immigration assistance*** if the person uses, or purports to use, knowledge of, or experience in, migration procedure to assist another person by:

(a) preparing, or helping to prepare, a document indicating that the other person nominates or sponsors a visa applicant for the purposes of the regulations; or

(b) advising the other person about nominating or sponsoring a visa applicant for the purposes of the regulations; or

(c) representing the other person in proceedings before a court or review authority that relate to the visa for which the other person was nominating or sponsoring a visa applicant (or seeking to nominate or sponsor a visa applicant) for the purposes of the regulations.

(2A) For the purposes of this Part, a person also gives ***immigration assistance*** if the person uses, or purports to use, knowledge of, or experience in, migration procedure to assist another person by:

(a) preparing, or helping to prepare, a request to the Minister to exercise his or her power under section 351, 417 or 501J in respect of a decision (whether or not the decision relates to the other person); or

(aa) preparing, or helping to prepare, a request to the Minister to exercise a power under section 195A, 197AB or 197AD (whether or not the exercise of the power would relate to the other person); or

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(b) advising the other person about making a request referred to in paragraph (a) or (aa).

(3) Despite subsections (1), (2) and (2A), a person does not give immigration assistance if he or she merely:

(a) does clerical work to prepare (or help prepare) an application or other document; or

(b) provides translation or interpretation services to help prepare an application or other document; or

(c) advises another person that the other person must apply for a visa; or

(d) passes on to another person information produced by a third person, without giving substantial comment on or explanation of the information.

(4) A person also does not give immigration assistance in the circumstances prescribed by the regulations.

277 Immigration legal assistance

(1) For the purposes of this Part, a lawyer gives ***immigration legal assistance*** if the lawyer:

(a) acts for a visa applicant or cancellation review applicant in preparing for proceedings before a court in relation to the visa application or cancellation review application; or

(b) represents or otherwise acts for a visa applicant or cancellation review applicant in proceedings before a court in relation to the visa application or cancellation review application; or

(c) gives advice to a visa applicant or cancellation review applicant in relation to the visa application or cancellation review application that is not advice for the purpose of any of the following:

(i) the preparation or lodging of the visa application or cancellation review application;

(ii) proceedings before a review authority in relation to the visa application or cancellation review application;

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(iii) the review by a review authority of a decision relating to the visa application or cancellation review application.

(2) For the purposes of this Part, a lawyer also gives ***immigration legal assistance*** if the lawyer:

(a) represents or otherwise acts for a person in proceedings (or in preparing for proceedings) before a court that relate to the visa for which the person was nominating or sponsoring a visa applicant (or seeking to nominate or sponsor a visa applicant) for the purposes of the regulations; or

(b) gives advice to a person about nominating or sponsoring a visa applicant for the purposes of the regulations (except advice described in subsection (3)).

(3) A lawyer does not give immigration legal assistance in giving advice to a person about nominating or sponsoring a visa applicant for the purposes of the regulations if the advice is for the purpose of:

(a) the preparation or lodging of an approved form putting forward the name of a visa applicant; or

(b) the preparation or lodging of an approved form undertaking sponsorship; or

(c) proceedings before a review authority that relate to the visa for which the person was nominating or sponsoring a visa applicant (or seeking to nominate or sponsor a visa applicant); or

(d) the review by a review authority of a decision relating to the visa for which the person was nominating or sponsoring the visa applicant (or seeking to nominate or sponsor the visa applicant).

(4) A lawyer does not give immigration legal assistance in giving advice to another person that is for the purpose of the preparation or making of a request to the Minister to exercise his or her power under section 351, 417 or 501J in respect of a decision (whether or not the decision relates to the other person).

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(5) A lawyer does not give immigration legal assistance in giving advice to another person that is for the purpose of the preparation or making of a request to the Minister to exercise a power under section 195A, 197AB or 197AD (whether or not the exercise of the power would relate to the other person).

278 Relation by employment

(1) For the purposes of this Part, an individual is ***related by employment*** to another individual if:

(a) one individual is an employee of the other; or

(b) they are executive officers of the same corporation; or

(c) they are members of the same partnership; or

(d) one individual is an employee of a corporation and the other is:

(i) an employee of the corporation; or

(ii) an executive officer of the corporation; or

(e) one individual is an employee of a partnership and the other is:

(i) an employee of the partnership; or

(ii) a member of the partnership.

Regulations

(2) For the purposes of this Part, an individual is also ***related by employment*** to another individual in any other prescribed circumstance.

*Expanded meaning of **employee***

(3) In this section:

employee includes a person engaged as a consultant or as an independent contractor.

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279 Part VIIC of the *Crimes Act 1914* to apply to this Part

(1) Despite paragraph 85ZZH(d) of the *Crimes Act 1914*, Part VIIC of that Act applies to this Part.

(2) Division 3 of Part VIIC of the *Crimes Act 1914* applies in relation to the Migration Agents Registration Authority as if it were a Commonwealth authority for the purposes of that Division.

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Division 2—Restrictions on giving of immigration assistance and making of immigration representations

280 Restrictions on giving of immigration assistance

(1) Subject to this section, a person who is not a registered migration agent must not give immigration assistance.

Penalty: 60 penalty units.

Note: See also paragraph 504(1)(ja) (which deals with the payment of penalties as an alternative to prosecution).

(1A) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(2) This section does not prohibit a parliamentarian from giving immigration assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(3) This section does not prohibit a lawyer from giving immigration legal assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(4) This section does not prohibit an official from giving immigration assistance in the course of his or her duties as an official.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(5) This section does not prevent an individual from giving immigration assistance of a kind covered by subsection 276(2A) if the assistance is not given for a fee or other reward.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

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(5A) This section does not prevent a close family member of a person from giving immigration assistance to the person.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(5B) This section does not prevent a person nominating a visa applicant for the purposes of the regulations from giving immigration assistance to the applicant.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(5C) This section does not prevent a person sponsoring a visa applicant for the purposes of the regulations from giving immigration assistance to the applicant.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(6) This section does not prohibit an individual from giving immigration assistance in his or her capacity as:

(a) a member of a diplomatic mission; or

(b) a member of a consular post; or

(c) a member of an office of an international organisation.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(7) In this section:

close family member has the meaning given by the regulations.

member of a consular post means a person who is a member of a consular post for the purposes of the *Consular Privileges and Immunities Act 1972*.

member of a diplomatic mission means a person who is a member of a mission for the purposes of the *Diplomatic Privileges and Immunities Act 1967*.

member of an office of an international organisation means the holder of an office in, an employee of, or a voluntary worker for, a

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body that, under section 3 of the *International Organisations (Privileges and Immunities) Act 1963*, is an international organisation within the meaning of that Act.

281 Restriction on charging fees for immigration assistance

(1) Subject to subsection (3), a person who is not a registered migration agent must not ask for or receive any fee or other reward for giving immigration assistance.

Penalty: Imprisonment for 10 years.

(2) Subject to subsection (3), a person must not ask for or receive any fee or other reward for the giving of immigration assistance by another person who is not a registered migration agent.

Penalty: Imprisonment for 10 years.

(3) This section does not prohibit:
(a) a lawyer from asking for or receiving a fee for giving immigration legal assistance; or
(b) a person from asking for or receiving a fee for the giving of immigration legal assistance by a lawyer.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(4) A person is not entitled to sue for, recover or set off any fee or other reward that the person must not ask for or receive because of subsection (1).

282 Restriction on charging fees for immigration representations

(1) A person who is not a registered migration agent must not ask for or receive any fee or other reward for making immigration representations.

Penalty: Imprisonment for 10 years.

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(2) A person must not ask for or receive any fee or other reward for the making of immigration representations by another person who is not a registered migration agent.

Penalty: Imprisonment for 10 years.

(3) A person is not entitled to sue for, recover or set off any fee or other reward that the person must not ask for or receive because of subsection (1).

(4) For the purposes of this section, a person ***makes immigration representations*** if he or she makes representations to, or otherwise communicates with, the Minister, a member of the Minister's staff or the Department:

(a) on behalf of a visa applicant about the application for the visa; or

(b) on behalf of a cancellation review applicant about the cancellation review application; or

(c) on behalf of a person nominating (or seeking to nominate) a visa applicant for the purposes of the regulations, about the nomination; or

(d) on behalf of a person sponsoring (or seeking to sponsor) a visa applicant for the purposes of the regulations, about the sponsorship; or

(e) on behalf of a person who has made (or is proposing to make) a request to the Minister to exercise his or her power under section 351, 417 or 501J in respect of a decision (whether or not the decision relates to that person), about the request; or

(f) on behalf of a person who has made (or is proposing to make) a request to the Minister to exercise a power under section 195A, 197AB or 197AD (whether or not the exercise of the power would relate to the other person), about the request.

(5) A person does not make immigration representations in the circumstances prescribed by the regulations.

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283 False representation that a person is a registered migration agent

(1) A person who is not a registered migration agent must not directly or indirectly represent that he or she is such an agent.

(2) A person must not directly or indirectly represent that another person who is not a registered migration agent is such an agent.

Penalty: Imprisonment for 2 years.

284 Restriction on self-advertising of the giving of immigration assistance

(1) Subject to this section, a person who is not a registered migration agent must not advertise that he or she gives immigration assistance.

Penalty: Imprisonment for 2 years.

(2) This section does not prohibit a parliamentarian from advertising that he or she gives immigration assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(3) This section does not prohibit a lawyer from advertising that he or she gives immigration legal assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(4) This section does not prohibit an official from advertising that he or she gives immigration assistance in the course of acting as an official.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

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285 Restriction on other advertising of immigration assistance

(1) Subject to this section, a person must not directly or indirectly advertise that another person who is not a registered migration agent gives immigration assistance.

Penalty: Imprisonment for 2 years.

(2) This section does not prohibit a person from advertising that another person who is a parliamentarian gives immigration assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(3) This section does not prohibit a person from advertising that another person who is a lawyer gives immigration legal assistance.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(4) This section does not prohibit a person from advertising that another person who is an official gives immigration assistance in the course of the official acting as an official.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

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Division 3—Registration of migration agents

286 Individuals may be registered as migration agents

Individuals may be registered as migration agents in accordance with this Part.

287 Register of Migration Agents

(1) The Migration Agents Registration Authority must keep a register, to be known as the Register of Migration Agents, listing individuals who are registered as migration agents.

(2) The Register is to show in respect of each registered migration agent:
  (a) the agent's full name; and
  (b) any business names of the agent or the agent's employer; and
  (c) a business address for the agent; and
  (d) a telephone number for contacting the agent; and
  (e) the date on which the agent was registered most recently; and
  (g) particulars of any suspension of the agent's registration; and
  (h) particulars of any caution given to the agent; and
  (i) particulars of any other prescribed matter.

(3) The Migration Agents Registration Authority must keep records to show:
  (a) what was in the Register from time to time; and
  (b) particulars of any cancellation or suspension of a registered migration agent's registration or of any caution given to such an agent.

(3A) The Authority may publish, in the prescribed way, a list of the names of former registered migration agents, their former migration agent registration numbers and the date they ceased to be registered. The Authority must remove a person's details from the list at the end of the prescribed period.

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(4) The Migration Agents Registration Authority must make the Register available, in a suitable form and at reasonable times, for inspection by any person.

Removal of disciplinary details

(5) The Authority must remove from the Register the following details:
   (a) particulars of any suspension of a registered migration agent's registration (if the suspension is no longer in effect);
   (b) particulars of any caution given to such an agent (if the caution is no longer in effect).

Time for removal

(6) The Authority must remove the details within the period worked out in accordance with the regulations.

(7) The regulations may prescribe different periods in relation to details about suspensions or cautions.

288 Application for registration

(1) An individual may apply to the Migration Agents Registration Authority to be registered as a registered migration agent.

Publishing requirement

(2) The individual must satisfy 1 of 2 publishing options set out in section 288A (unless he or she has been registered at some time in the 12 months immediately before making the application).

Form of application

(3) A registration application is to be in a form approved in writing by the Authority and contain such information relevant to the application as is required by the form.

Note: The applicant may be required to make a statutory declaration, or to answer questions, in relation to the application: see section 288B.

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Time of application

(4) The day on which a registration application is taken to have been made is the day worked out in accordance with the regulations.

Registration application fee

(5) The Authority must not consider a registration application unless the applicant has paid the registration application fee (if any) on the application.

Evidence of publication

(6) If the applicant is required under this section to satisfy 1 of 2 publishing options, the Authority must not consider the application unless the applicant has:
  (a) satisfied one of those options; and
  (b) given the Authority evidence of the publication concerned.

Proceedings finalised about previous registration

(6A) If:
  (a) the applicant has been registered at some time before making the application; and
  (b) the Authority made a decision to suspend or cancel the applicant's registration; and
  (c) the applicant made an application (the ***review application***) for review of the decision under the *Administrative Appeals Tribunal Act 1975* or for judicial review of the decision;

then the Authority must not consider the registration application unless it is satisfied that all proceedings (including any appeals) resulting from the review application have been finalised.

Withdrawal of application

(7) The applicant may withdraw an application by giving notice in writing to the Authority. However, the applicant is not entitled to a refund of the registration application fee paid in relation to the application.

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288A Publishing requirement

(1) For the purposes of subsection 288(2), this section sets out an individual's 2 publishing options.

Individual publication

(2) The first option is for the individual to publish in the prescribed way a notice:
   (a) stating his or her intention to apply for registration; and
   (b) stating that anyone may give the Migration Agents Registration Authority a written objection to his or her registration within the period of 30 days after publication of the notice (or 30 days after the day on which the notice is last published, if it must be published more than once).

Joint publication

(3) The second option is for the individual and one or more other individuals, who are all employees of the same employer and who all intend to apply for registration, to publish in the prescribed way a single notice:
   (a) stating their intention to apply for registration; and
   (b) stating that anyone may give the Migration Agents Registration Authority a written objection to registration of any one or more of them within the period of 30 days after publication of the notice (or 30 days after the day on which the notice is last published, if it must be published more than once).

288B Requiring applicants to make statutory declarations or to answer questions

(1) The Migration Agents Registration Authority may require an applicant who, on the day the application is taken to have been made, is not a registered migration agent:

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(a) to make a statutory declaration in relation to information or documents provided by the applicant in relation to the application; or

(b) to appear before one or more individuals specified by the Authority and to answer questions in relation to the application.

(2) If an applicant is required under this section to make a statutory declaration or to answer questions, the Authority must not further consider the application until the applicant does so.

289 Registration

(1) The Migration Agents Registration Authority must register an applicant by entering his or her name in the Register, unless this Part prohibits registration of the applicant.

Note: If the Migration Agents Registration Authority is considering refusing a registration application, it must give the applicant a chance to make a further submission supporting the application. See sections 309 and 310.

(2) The Migration Agents Registration Authority must do so as soon as possible.

(3) However, if the applicant was required under section 288 to satisfy 1 of 2 publishing options:

(a) the Authority must not register the applicant before the end of the time for objections that was specified in the notice concerned; and

(b) the Authority must consider any objection received within that time when deciding whether to register the applicant.

(4) Subject to subsection 300(6), if the Migration Agents Registration Authority enters in the Register the name of an applicant who is already registered, the later registration takes effect at the end of the existing registration (unless the existing registration is cancelled before it would end under section 299).

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289A Applicant must not be registered if does not satisfy registration requirements

An applicant:

(a) who has never been registered; or

(b) who is applying to be registered more than 12 months after the end of his or her previous registration;

must not be registered unless the Migration Agents Registration Authority is satisfied that he or she:

(c) has completed a prescribed course within the prescribed period and has passed a prescribed exam within the prescribed period; or

(d) holds the prescribed qualifications.

290 Applicant must not be registered if not a person of integrity or not fit and proper

(1) An applicant must not be registered if the Migration Agents Registration Authority is satisfied that:

(a) the applicant is not a fit and proper person to give immigration assistance; or

(b) the applicant is not a person of integrity; or

(c) the applicant is related by employment to an individual who is not a person of integrity and the applicant should not be registered because of that relationship.

(2) In considering whether it is satisfied that the applicant is not fit and proper or not a person of integrity, the Migration Agents Registration Authority must take into account:

(a) the extent of the applicant's knowledge of migration procedure; and

(c) any conviction of the applicant of a criminal offence relevant to the question whether the applicant is not:

(i) a fit and proper person to give immigration assistance; or

(ii) a person of integrity;

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(except a conviction that is spent under Part VIIC of the *Crimes Act 1914*); and

(d) any criminal proceedings that the applicant is the subject of and that the Authority considers relevant to the application; and

(e) any inquiry or investigation that the applicant is or has been the subject of and that the Authority considers relevant to the application; and

(f) any disciplinary action that is being taken, or has been taken, against the applicant that the Authority considers relevant to the application; and

(g) any bankruptcy (present or past) of the applicant; and

(h) any other matter relevant to the applicant's fitness to give immigration assistance.

(3) In considering whether it is satisfied that an individual to whom the applicant is related by employment is not a person of integrity, the Migration Agents Registration Authority must take into account each of the following matters, so far as the Authority considers it relevant to the question whether the individual is not a person of integrity:

(a) any conviction of the individual of a criminal offence (except a conviction that is spent under Part VIIC of the *Crimes Act 1914*);

(b) any criminal proceedings that the individual is the subject of;

(c) any inquiry or investigation that the individual is or has been the subject of;

(d) any disciplinary action that is being taken, or has been taken, against the individual;

(e) any bankruptcy (present or past) of the individual.

(4) To avoid doubt, this section applies to all applicants (not just first time applicants).

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290A Applicant for repeat registration must not be registered if he or she has not done continuing professional development

If the applicant has been registered at some time in the 12 months before making the application, he or she must not be registered if the Migration Agents Registration Authority is satisfied that the applicant has not met, within the prescribed period, the requirements prescribed by the regulations for continuing professional development of registered migration agents.

290B Applicant must not be registered if any unpaid registration status charge

An applicant must not be registered if any registration status charge payable by him or her remains unpaid after the time when it becomes due for payment.

291 Applicant must not be registered if registration refused in past year

(1) An applicant must not be registered if he or she has been refused registration as a migration agent within 12 months before his or her application.

(2) To avoid doubt, this section applies to all applicants (not just first time applicants).

291A Applicant must not be registered if suspension would be in effect

If:

(a) an applicant has been registered (the ***previous registration***) at some time before making the application; and

(b) the Migration Agents Registration Authority decided to suspend the previous registration (whether or not that decision was stayed); and

(c) the previous registration ended on or after the suspension decision;

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then the applicant must not be registered during a period in which the previous registration would have been suspended had the previous registration not already ended.

Example 1: A registered migration agent's registration is suspended for a period. The agent is deregistered under section 302 so the suspension of the registration ends. The agent cannot be re-registered until the suspension period ends.

Example 2: The Migration Agents Registration Authority suspends a registered migration agent's registration. The agent applies for review of the decision and a stay order is made in relation to the decision. The agent continues to practise, while the stay order is in force, until the agent's registration ends. Subsection 288(6A) prevents the agent from being re-registered until the review proceedings are finalised. The agent cannot be re-registered if the suspension decision is affirmed on review and the suspension would not have ended (had the registration continued).

Example 3: Under section 300, a registered migration agent's registration is continued after the expiry day of the agent's registration. The Migration Agents Registration Authority makes a decision to suspend the agent's registration until the agent complies with a condition, and so the registration ends because of subsection 300(4). The agent cannot be re-registered until the agent complies with the condition.

292 Applicant must not be registered if registration cancelled in past 5 years

An applicant whose registration has been cancelled under section 303, 306AG or 306AGAC must not be registered within 5 years of the cancellation.

292A Applicant must not be registered if any barring period has not ended

An applicant must not be registered if:

(a) the Migration Agents Registration Authority has made a decision under subsection 311A(1) or 311L(1) to bar him or her from being a registered migration agent for a particular period; and

(b) the period has not ended.

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292B Applicant must not be registered unless he or she holds appropriate professional indemnity insurance

(1) An applicant must not be registered unless the Migration Agents Registration Authority is satisfied that he or she has professional indemnity insurance of a kind prescribed by the regulations.

(2) To avoid doubt, this section applies to all applicants (not just first time applicants).

293 Applicant under 18 must not be registered

An applicant must not be registered if he or she is under 18.

294 Applicant must not be registered if not an Australian citizen, permanent resident or New Zealander with special visa

(1) An applicant must not be registered unless he or she is:
  (a) an Australian citizen; or
  (b) an Australian permanent resident (within the meaning of the regulations); or
  (c) a New Zealand citizen who holds a special category visa.

(2) To avoid doubt, this section applies to all applicants (not just first time applicants).

295 Notice of refusal of application

If the Migration Agents Registration Authority decides not to register an applicant, the Authority must give the applicant written notice of the decision and of the reasons for it.

Note: The applicant may apply to the Administrative Appeals Tribunal for review of the decision. See section 306 of this Act. (Section 27A of the *Administrative Appeals Tribunal Act 1975* requires that people whose interests are affected by the Authority's decision be given notice of their rights to seek review of the decision.)

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299 Period of registration

(1) Subject to sections 300, 302, 303, 306AG and 306AGAC and subsection (3), the registration of a registered migration agent lasts for 12 months after the registration.

(3) If the registration of a registered migration agent is suspended for a period, the current period of the agent's registration is extended by a period equal to that period of suspension.

300 Automatic continuation of registration

When agent's registration is automatically continued

(1) Subsection (4) applies to continue a registered migration agent's registration beyond the last day (the ***expiry day***) of the agent's registration if, before the end of the expiry day:
  (a) the agent made a registration application; and
  (b) the agent paid the registration application fee (if any) in respect of the application; and
  (c) the Migration Agents Registration Authority had not decided the application.

Exception—suspension

(2) However, subsection (4) does not apply to continue the agent's registration if, before the end of the expiry day, the Authority made a decision to suspend the agent's registration, unless:
  (a) the suspension had been completed before the end of the expiry day; or
  (b) there was a decision (other than a stay order) of the Administrative Appeals Tribunal or a court in force, immediately before the end of the expiry day, to the effect that the agent's registration is not suspended or cancelled.

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Exception—cancellation

(3) Subsection (4) also does not apply to continue the agent's registration if, before the end of the expiry day, the Authority made a decision to cancel the agent's registration, unless:

(a) there was a decision (other than a stay order) of the Administrative Appeals Tribunal or a court in force, immediately before the end of the expiry day, to the effect that the agent's registration is not suspended or cancelled; or

(b) there was a decision of the Administrative Appeals Tribunal or a court in force to the effect that the agent's registration is suspended, and the suspension had been completed before the end of the expiry day.

Period of continuation of registration

(4) The agent's registration is taken to continue after the expiry day until the earliest of the following:

(a) the Authority decides the application;

(b) the Authority decides to suspend the agent's registration;

(c) the Authority decides to cancel the agent's registration;

(d) the end of the period of 10 months beginning on the day after the expiry day.

Application granted if no decision within a certain period

(5) If, before the end of the period of 10 months beginning on the day after the expiry day, the Authority has not:

(a) decided the registration application; and

(b) decided to suspend the agent's registration; and

(c) decided to cancel the agent's registration;

then the application is taken to have been granted at the end of that period.

When registration takes effect

(6) If the Authority grants the registration application, or the registration application is taken to have been granted under

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subsection (5), the registration is treated as having taken effect at the end of the expiry day.

Example: An agent's registration is due to end on 31 October (the expiry day). On 20 October the agent applies to be registered again. The Authority has not decided the application by the end of 31 October.

The agent's registration continues automatically past 31 October until the Authority decides the application.

On 15 November the Authority grants the application. The new 12 month registration is treated as having taken effect at the end of 31 October.

When Authority makes decision

(7) For the purposes of this section, the Authority is taken to have made a decision even if the decision is later stayed.

301 Migration Agents Registration Authority must warn of expiry

At least 30 days before the period for which a registered migration agent is registered will end under section 299, the Migration Agents Registration Authority must give the agent a written notice stating when the period will end.

302 Automatic deregistration

(1) The Migration Agents Registration Authority must deregister a registered migration agent by removing his or her name from the Register if:

(a) he or she requests the Authority, in writing, to do so; or

(d) he or she dies.

303 Disciplining registered migration agents

(1) The Migration Agents Registration Authority may:

(a) cancel the registration of a registered migration agent by removing his or her name from the register; or

(b) suspend his or her registration; or

(c) caution him or her;

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if it becomes satisfied that:

(d) the agent's application for registration was known by the agent to be false or misleading in a material particular; or

(e) the agent becomes bankrupt; or

(f) the agent is not a person of integrity or is otherwise not a fit and proper person to give immigration assistance; or

(g) an individual related by employment to the agent is not a person of integrity; or

(h) the agent has not complied with the Code of Conduct prescribed under section 314.

Note 1: The Authority is required to caution a registered migration agent or cancel or suspend a registered migration agent's registration in certain circumstances: see Division 3AA.

Note 2: If the Authority is considering making a decision under this section, it must invite the registered migration agent to make a submission: see sections 309 and 310.

Unpaid registration status charge

(2) The Authority may also suspend the registration of a registered migration agent if any registration status charge payable by him or her remains unpaid after the time when it becomes due for payment.

304 Period of suspension

(1) If the Migration Agents Registration Authority suspends the registration of a registered migration agent under section 303, the Migration Agents Registration Authority may:

(a) set a period of suspension of not more than 5 years; or

(b) set a condition or conditions for the lifting of the suspension.

(2) If 2 or more conditions are set under paragraph (1)(b), one of them may be that at least a set period of suspension has ended.

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304A Conditions for lifting cautions

The Migration Agents Registration Authority may set one or more conditions for the lifting of a caution it gives to a registered migration agent.

Note: Particulars of cautions are shown on the Register: see section 287.

305 Notice of disciplinary decision

Notice to agent

(1) The Migration Agents Registration Authority must give a registered migration agent written notice of a decision made under section 303 in relation to the agent.

(2) The notice must set out the reasons for the decision.

When decision takes effect

(3) The decision takes effect at the time the agent is given written notice of it.

Note: Section 332H sets out when the agent is taken to have been given the notice.

305A Making disciplinary details publicly available

(1) If a registered migration agent is given notice of a decision under section 303, then the Migration Agents Registration Authority:

(a) must as soon as possible make available in the prescribed way a statement that sets out the decision and specifies the grounds for the decision; and

(b) may prepare a statement about the decision and make it available to one or more groups of persons, or to one or more persons, in any way the Authority thinks fit.

This subsection applies even if a stay order is made in relation to the decision.

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Content of statement

(3) A statement under this section need not set out the findings on material questions of fact and need not refer to the evidence or other material on which those findings were based.

Protection from civil proceedings

(4) No action or other proceeding for damages lies against a person for publishing in good faith:
   (a) a copy of; or
   (b) an extract from; or
   (c) a summary of;

a statement under this section.

305B Providing disciplinary details to clients

(1) If the Migration Agents Registration Authority makes a decision under section 303 in relation to a registered migration agent, the Authority or the Secretary may inform one or more of the clients of the agent about any one or more of the following:
   (a) the making of the decision;
   (b) whether or not the agent has applied for review of the decision;
   (c) the status of any such review.

(3) In this section:

client has the meaning given by section 306C.

305C Requiring registered migration agents to give information or documents

(1) This section applies if the Migration Agents Registration Authority is considering:
   (a) refusing a registration application from a registered migration agent; or

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(b) making a decision under section 303 to cancel or suspend such an agent's registration or to caution such an agent.

(2) The Authority may, by written notice given to the agent, require him or her to provide the Authority with prescribed information or prescribed documents within the specified period and in the specified manner.

(3) A period specified in a notice under this section must end at least 14 days after the notice was given.

Note: Section 332H sets out when the agent is taken to have been given the notice.

Offence

(4) A person commits an offence if:

(a) the person is subject to a requirement under this section; and

(b) the person contravenes the requirement.

Penalty: 60 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

Self-incrimination

(6) A person is not excused from giving information or providing a document on the ground that the information or provision of the document may tend to incriminate the person.

(7) However:

(a) any information or document provided in response to a requirement under subsection (2); and

(b) any information or thing (including any document) obtained as a direct or indirect result of information or a document provided in response to a requirement under subsection (2);

is not admissible in evidence against the person in any criminal proceedings (except proceedings for an offence against

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section 137.1 or 137.2 of the *Criminal Code* that relates to this Act or the regulations).

306 Review by the Administrative Appeals Tribunal

Subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of a decision by the Migration Agents Registration Authority made under this Division.

306AA Stay orders

If the Administrative Appeals Tribunal or a court orders a stay of a decision under section 303 to cancel or suspend a registered migration agent's registration, it is taken to be a condition of the order that the prescribed supervisory requirements apply in relation to the agent during the period of the order.

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Division 3AA—Disciplining registered migration agents for engaging in vexatious activity

Subdivision A—Definitions

306AB Definitions

In this Division:

mandatory decision means a decision of the Migration Agents Registration Authority under paragraph 306AG(1)(a), (b) or (c) or subsection 306AGAC(1).

referral decision means a decision of the Minister under subsection 306AC(1) or 306AGAA(8).

Subdivision B—Referral of registered migration agents for disciplinary action

306AC Minister may refer registered migration agent to the Migration Agents Registration Authority

Referral

(1) The Minister may refer a registered migration agent to the Migration Agents Registration Authority if the agent has a high visa refusal rate in relation to a visa of a particular class.

Note 1: If the Minister is considering doing so, the Minister must invite the agent to make a submission on the matter and must consider any submission that is made: see section 306AE.

Note 2: If the Minister refers an agent, the Authority must consider whether to discipline the agent: see section 306AG.

Note 3: The Minister's decision and any decision of the Authority to discipline the agent are reviewable by the Administrative Appeals Tribunal: see section 306AJ.

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High visa refusal rate

(2) This is how to work out if the agent has a high visa refusal rate in relation to a visa of a particular class:

Method statement

Step 1. Work out the number of:

(a) valid applications for a visa of that class; and

(b) applications for review by a review authority of a decision to refuse to grant a visa of that class;

made during a period determined by the Minister under this Division in respect of which the agent has given immigration assistance to the applicants concerned.

Note: Subsections (3) and (4) provide for certain applications not to be counted.

Step 2. Work out if the number at step 1 is equal to or greater than the number determined by the Minister under this Division.

Step 3. If it is, work out in respect of the applications covered by step 1 the number of decisions to refuse to grant a visa that are standing at the end of all the proceedings (including any appeals) resulting from such decisions.

Step 4. The agent has a ***high visa refusal rate*** in relation to a visa of that class once the number at step 3 expressed as a percentage of the number at step 1 is equal to or greater than the percentage determined by the Minister under this Division in relation to that class of visa.

Immigration assistance at visa application stage and review stage

(3) If:

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(a) the agent gives immigration assistance to a person in respect of a valid application by the person for a visa of a particular class; and

(b) the agent later gives immigration assistance to the person in respect of an application (the ***review application***) by the person for review by a review authority of a decision to refuse to grant that visa;

then the review application is not to be counted for the purposes of step 1 of the method statement.

Immigration assistance in a prescribed capacity

(4) An application of a kind covered by step 1 of the method statement is not to be counted if the agent gave the immigration assistance in a prescribed capacity.

Minister to have regard to any matter prescribed by the regulations

(5) In deciding whether or not to refer a registered migration agent to the Migration Agents Registration Authority under this section, the Minister must have regard to any matter prescribed by the regulations.

306AD Ministerial determinations

Period for making applications

(1) The Minister may, by legislative instrument, determine a period for the purposes of step 1 of the method statement in section 306AC.

Minimum number of applications

(2) The Minister may, by legislative instrument, determine a number for the purposes of step 2 of that method statement.

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Refusal percentage

(3) The Minister may, by legislative instrument, determine a percentage for a specified class of visa for the purposes of step 4 of that method statement.

306AE Registered migration agent may make submissions

(1) If the Minister is considering referring a registered migration agent to the Migration Agents Registration Authority under section 306AC, the Minister must give the agent a written notice:
  (a) stating that the Minister is considering making such a decision and the reasons for it; and
  (b) inviting the agent to make a written submission to the Minister:
    (i) on the reasons for the agent having a high visa refusal rate in relation to the class of visa concerned; and
    (ia) on the disciplinary action that may be taken against the agent if the Minister decides to refer the agent; and
    (ii) on any other matter the agent considers relevant; and
  (c) stating that any submission must be made within the period (the ***objection period***) of 21 days after the notice is given.

Extension

(2) Before the end of the objection period, the agent may, by notice in writing, request an extension of that period.

(3) The Minister must grant an extension of 14 days if the notice contains reasons for the request.

Minister to consider any submission

(4) The Minister must consider any written submission received within the objection period (or that period as extended).

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306AF Notice of referral decision under section 306AC

Notice to Migration Agents Registration Authority

(1) The Minister must give the Migration Agents Registration Authority written notice of a decision under section 306AC to refer a registered migration agent to the Authority.

(2) The notice must be given to the Authority by one of the methods specified in section 494B. The notice must specify the grounds for the referral.

(2A) The notice must be accompanied by a copy of any submission made to the Minister under subsection 306AE(1).

Notice to agent

(3) The Minister must give the registered migration agent written notice of the decision to refer him or her to the Authority.

(4) The notice must be given to the agent on the same day that notice of the referral is given to the Authority.

(5) The notice given to the agent must set out the grounds for the referral.

306AG Migration Agents Registration Authority's decision after a referral under section 306AC

(1) If the Minister refers a registered migration agent to the Migration Agents Registration Authority under section 306AC, the Authority must:

(a) caution the agent; or

(b) suspend the agent's registration; or

(c) cancel the agent's registration; or

(d) decide not to discipline the agent if the Authority is satisfied that there are special circumstances that justify it making the decision.

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Findings of fact

(2) In making its decision under subsection (1), the Authority must take the findings of fact made by the Minister in relation to the decision to refer the agent to be correct.

Matters Authority must take into account

(3) The Authority must take only the following matters into account in making its decision under subsection (1):

(a) any written submission made to the Minister under subsection 306AE(1) by the agent;

(b) the findings of fact made by the Minister in relation to the decision to refer the agent;

(c) the grounds given by the Minister for the decision to refer the agent.

Natural justice hearing rule

(4) This section, section 306AE and sections 494A to 494D are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the decision the Authority is required to make under subsection (1) of this section.

Note: Section 306AE requires the Minister to give the agent an opportunity to make a submission before the Minister refers the agent. Sections 494A to 494D relate to the giving of documents by the Minister under this Act.

Time of decision

(5) The Authority must make its decision under subsection (1) as soon as possible, but not later than 28 days, after receiving notice of the referral.

Note: Section 494C sets out when the Authority is taken to have received notice of the referral.

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Notice to agent

(6) The Authority must give the agent written notice of its decision. The notice must set out the reasons for the decision.

(7) The decision takes effect at the time the agent is given written notice of it.

Note: Section 332H sets out when the agent is taken to have been given the notice.

Decision to take no disciplinary action

(8) If the Authority decides not to discipline the agent, the Authority must give the Minister written notice of its decision. The notice must set out the reasons for the decision. It must be given to the Minister on the same day that notice of the decision is given to the agent.

306AGAA Minister may refer agent again if Migration Agents Registration Authority takes no disciplinary action

(1) If the Migration Agents Registration Authority decides not to discipline a registered migration agent under section 306AG, the Minister must decide whether or not to refer the agent to the Authority for disciplinary action under section 306AGAC.

Minister to consider Authority's reasons

(2) In making his or her decision, the Minister must consider the reasons given by the Authority for its decision not to discipline the agent.

Minister must invite and consider submissions from agent

(3) If the Minister is considering referring the agent to the Authority for disciplinary action, the Minister must give the agent a written notice:

(a) stating that the Minister is considering making such a decision and the reasons for it; and

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(b) inviting the agent to make a written submission to the Minister:
  (i) in relation to the reasons given by the Authority for its decision not to discipline the agent; and
  (ii) on the disciplinary action to be taken against the agent if the Minister decides to refer the agent; and
  (iii) on any other matter the agent considers relevant; and
(c) stating that any submission must be made within the period (the ***objection period***) of 14 days after the notice is given.

(4) Before the end of the objection period, the agent may, by notice in writing, request an extension of that period.

(5) The Minister must grant an extension of 14 days if the notice contains reasons for the request.

(6) The Minister must consider any written submission received within the objection period (or that period as extended).

(7) The Minister must also consider any written submission made to him or her under subsection 306AE(1) in relation to his or her decision to refer the agent to the Authority under section 306AC.

Minister's decision to refer agent

(8) After considering the matters mentioned in subsections (2), (6) and (7), the Minister may refer the agent to the Authority for disciplinary action.

Note 1: If the Minister refers the agent, the Authority must discipline the agent: see section 306AGAC.

Note 2: The Minister's decision and the Authority's decision are reviewable by the Administrative Appeals Tribunal: see section 306AJ.

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306AGAB Notice of referral decision under section 306AG

Notice to Migration Agents Registration Authority

(1) The Minister must give the Migration Agents Registration Authority written notice of a decision under section 306AGAA to refer a registered migration agent to the Authority for disciplinary action.

(2) The notice must be given to the Authority by one of the methods specified in section 494B. The notice must specify the grounds for the referral.

(3) The notice must be accompanied by a copy of any submission made to the Minister under subsection 306AGAA(3).

Notice to agent

(4) The Minister must give the agent written notice of the decision to refer him or her to the Authority for disciplinary action.

(5) The notice must be given to the agent on the same day that notice of the referral is given to the Authority.

(6) The notice given to the agent must set out the grounds for the referral.

306AGAC Migration Agents Registration Authority's disciplinary decision after a referral under section 306AGAA

(1) If the Minister refers a registered migration agent to the Migration Agents Registration Authority under section 306AGAA for disciplinary action, the Authority must:
  (a) caution the agent; or
  (b) suspend the agent's registration; or
  (c) cancel the agent's registration.

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Findings of fact

(2) In making its decision, the Authority must take the findings of fact made by the Minister in relation to the following decisions (the ***referral decisions***) to be correct:
  (a) the decision to refer the agent under section 306AC;
  (b) the decision to refer the agent under section 306AGAA.

Matters Authority must take into account

(3) The Authority must take only the following matters into account in making its decision under subsection (1):
  (a) any written submission made to the Minister under subsection 306AE(1) or 306AGAA(3) by the agent;
  (b) the findings of fact made by the Minister in relation to the referral decisions;
  (c) the grounds given by the Minister for the referral decisions.

Natural justice hearing rule

(4) This section, section 306AGAA and sections 494A to 494D are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the decision the Authority is required to make under subsection (1) of this section.

Note: Section 306AGAA requires the Minister to give the agent an opportunity to make a submission before the Minister refers the agent for disciplinary action. Sections 494A to 494D relate to the giving of documents by the Minister under this Act.

Time of decision

(5) The Authority must make its decision under subsection (1) as soon as possible, but not later than 28 days, after receiving notice of the referral.

Note: Section 494C sets out when the Authority is taken to have received notice of the referral.

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Notice to agent

(6) The Authority must give the agent written notice of its decision. The notice must set out the reasons for the decision.

(7) The decision takes effect at the time the agent is given written notice of it.

Note: Section 332H sets out when the agent is taken to have been given the notice.

306AGA Cautions or suspensions

Cautions

(1) If the Migration Agents Registration Authority cautions a registered migration agent under section 306AG or 306AGAC, the Authority may set one or more conditions for the lifting of the caution.

Note: Particulars of cautions are shown on the Register: see section 287.

Suspensions

(2) If the Authority suspends a registered migration agent's registration under section 306AG or 306AGAC, the Authority may:

(a) set a period of suspension of not more than 5 years; or

(b) set a condition or conditions for the lifting of the suspension.

(3) If 2 or more conditions are set under paragraph (2)(b), one of them may be that at least a set period of suspension has ended.

Subdivision D—Review

306AJ Review by the Administrative Appeals Tribunal

(1) An application may be made to the Administrative Appeals Tribunal for review of a referral decision or a mandatory decision.

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Timing rules for review of a referral decision

(2) However, an application for review of a referral decision may only be made:
  (a) if a mandatory decision is made as a result of the referral decision; and
  (b) within the period within which an application for review of the mandatory decision may be made.

(3) Accordingly, paragraph 29(1)(d) of the *Administrative Appeals Tribunal Act 1975* does not apply to an application for review of a referral decision.

306AK Stay orders

If the Administrative Appeals Tribunal or a court orders a stay of a decision under section 306AG or 306AGAC to cancel or suspend a registered migration agent's registration, it is taken to be a condition of the order that the prescribed supervisory requirements apply in relation to the agent during the period of the order.

Subdivision E—Making disciplinary details available

306AL Making disciplinary details publicly available

(1) If a registered migration agent is given notice of a mandatory decision, then the Migration Agents Registration Authority:
  (a) must as soon as possible make available in the prescribed way a statement that:
    (i) sets out the mandatory decision; and
    (ii) sets out the referral decision to which the mandatory decision relates; and
    (iii) specifies the grounds for the referral decision; and
  (b) may prepare a statement about the mandatory decision and the referral decision and make it available to one or more groups of persons, or to one or more persons, in any way the Authority thinks fit.

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This subsection applies even if a stay order is made in relation to the mandatory decision or the referral decision.

Content of statement

(3) A statement under this section need not set out the findings on material questions of fact and need not refer to the evidence or other material on which those findings were based.

Protection from civil proceedings

(4) No action or other proceeding for damages lies against a person for publishing in good faith:
  (a) a copy of; or
  (b) an extract from; or
  (c) a summary of;

a statement under this section.

306AM Providing disciplinary details to clients

(1) If the Migration Agents Registration Authority makes a mandatory decision in relation to a registered migration agent, the Authority or the Secretary may inform one or more of the clients of the agent about any one or more of the following:
  (a) the making of the mandatory decision;
  (b) the making of the referral decision that resulted in the making of the mandatory decision;
  (c) whether or not the agent has applied for review of the referral decision or the mandatory decision;
  (d) the status of any such review.

(3) In this section:

client has the meaning given by section 306C.

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Division 3A—Documents relating to clients of inactive migration agents and deceased migration agents

306A Objects of this Division

The objects of this Division are:

(a) to ensure that clients of inactive migration agents are not unduly disadvantaged by the agent becoming inactive; and

(b) to ensure that clients of deceased migration agents are not unduly disadvantaged by the death of the agent;

by empowering the Migration Agents Registration Authority to:

(c) obtain originals or copies of client documents from inactive migration agents or from the legal personal representatives of deceased migration agents; and

(d) give the originals or copies to the clients concerned.

Note: An agent becomes ***inactive*** as a result of expiry of registration, deregistration, cancellation of registration, suspension of registration, or incapacity (see section 306B).

306B Inactive migration agents

For the purposes of this Division:

(a) if a person ceases to be a registered migration agent because the person's period of registration expires under section 299:

(i) the person becomes an ***inactive migration agent*** at the time of the cessation; and

(ii) the person remains an inactive migration agent until the end of the period of 2 years after the cessation or until the person again becomes a registered migration agent, whichever happens first; and

(b) if, at a person's request, the Migration Agents Registration Authority deregisters the person under section 302:

(i) the person becomes an ***inactive migration agent*** at the time of the deregistration; and

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(ii) the person remains an inactive migration agent until the end of the period of 2 years after the deregistration or until the person again becomes a registered migration agent, whichever happens first; and

(c) if the Migration Agents Registration Authority cancels a person's registration under section 303, 306AG or 306AGAC:

(i) the person becomes an ***inactive migration agent*** at the time of the cancellation; and

(ii) the person remains an inactive migration agent for 2 years; and

(d) if the Migration Agents Registration Authority suspends a person's registration under section 303, 306AG or 306AGAC:

(i) the person becomes an ***inactive migration agent*** at the time of the suspension; and

(ii) the person remains an inactive migration agent for the period of the suspension; and

(e) if, while a person is a registered migration agent, the person becomes physically or mentally incapable, for a continuous period of not less than 14 days, of giving immigration assistance:

(i) the person becomes an ***inactive migration agent*** at the end of that period of 14 days; and

(ii) the person remains an inactive migration agent until the person ceases to be physically or mentally incapable of giving immigration assistance.

306C Clients

For the purposes of this Division, if a registered migration agent gave, or anticipated giving, immigration assistance to another person:

(a) the other person is a ***client*** of the registered migration agent and, if the registered migration agent dies, the other person

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remains a ***client*** of the deceased registered migration agent; and

(b) if the registered migration agent becomes an inactive migration agent—the other person remains a ***client*** of the inactive migration agent and, if the inactive migration agent dies, the other person remains a ***client*** of the deceased inactive migration agent.

306D Power to obtain documents from inactive migration agent

(1) This section applies to a person who is an inactive migration agent if the Migration Agents Registration Authority has reason to believe that:

(a) before becoming an inactive migration agent and while the person was a registered migration agent, the person gave, or anticipated giving, immigration assistance to one or more clients; and

(b) the inactive migration agent has in his or her possession or control documents that:

(i) are or were connected with the giving, or anticipated giving, of that immigration assistance to those clients; and

(ii) relate to the affairs of those clients.

(2) The Migration Agents Registration Authority may, by written notice given to the inactive migration agent, require him or her:

(a) to make copies of any such documents and to produce those copies to the Authority within the specified period and in the specified manner; or

(b) to produce to the Authority, within the specified period and in the specified manner, any such documents that are owned by those clients or that were provided to the agent by, or on behalf of, those clients.

Note: An example of a document provided to a registered migration agent is a client's passport.

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(3) A notice under subsection (2) must set out the effect of sections 306G and 306H.

(4) A notice under subsection (2) need not identify any particular client or clients.

(5) A period specified in a notice under subsection (2) must end at least 14 days after the notice was given.

Note: Section 332H sets out when the inactive migration agent is taken to have been given the notice.

306E Power to obtain documents from representative of deceased inactive migration agent

(1) This section applies to the legal personal representative of a deceased person if the deceased person was an inactive migration agent at the time of death and the Migration Agents Registration Authority has reason to believe that:

(a) before becoming an inactive migration agent and while the deceased person was a registered migration agent, the deceased person gave, or anticipated giving, immigration assistance to one or more clients; and

(b) the legal personal representative has in his or her possession or control documents that:

(i) are or were connected with the giving, or anticipated giving, of that immigration assistance to those clients; and

(ii) relate to the affairs of those clients.

(2) The Migration Agents Registration Authority may, by written notice given to the legal personal representative, require the legal personal representative:

(a) to make copies of any such documents and to produce those copies to the Authority within the specified period and in the specified manner; or

(b) to produce to the Authority, within the specified period and in the specified manner, any such documents that are owned

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by those clients or that were provided to the registered migration agent by, or on behalf of, those clients.

Note: An example of a document provided to a registered migration agent is a client's passport.

(3) A notice under subsection (2) must set out the effect of sections 306G and 306H.

(4) A notice under subsection (2) need not identify any particular client or clients.

(5) A period specified in a notice under subsection (2) must end at least 14 days after the notice was given.

Note: Section 332H sets out when the legal personal representative is taken to have been given the notice.

306F Power to obtain documents from representative of deceased registered migration agent

(1) This section applies to the legal personal representative of a deceased person if the deceased person was a registered migration agent at the time of death and the Migration Agents Registration Authority has reason to believe that:

(a) while the deceased person was a registered migration agent, the deceased person gave, or anticipated giving, immigration assistance to one or more clients; and

(b) the legal personal representative has in his or her possession or control documents that:

(i) are or were connected with the giving, or anticipated giving, of that immigration assistance to those clients; and

(ii) relate to the affairs of those clients.

(2) The Migration Agents Registration Authority may, by written notice given to the legal personal representative, require the legal personal representative:

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(a) to make copies of any such documents and to produce those copies to the Authority within the specified period and in the specified manner; or

(b) to produce to the Authority, within the specified period and in the specified manner, any such documents that are owned by those clients or that were provided to the registered migration agent by, or on behalf of, those clients.

Note: An example of a document provided to a registered migration agent is a client's passport.

(3) A notice under subsection (2) must set out the effect of sections 306G and 306H.

(4) A notice under subsection (2) need not identify any particular client or clients.

(5) A period specified in a notice under subsection (2) must end at least 14 days after the notice was given.

Note: Section 332H sets out when the legal personal representative is taken to have been given the notice.

306G Reasonable compensation

A person is entitled to be paid by the Commonwealth reasonable compensation for complying with a notice under section 306D, 306E or 306F.

306H Failure to comply with notice

(1) A person commits an offence if:

(a) the person is subject to a requirement under section 306D, 306E or 306F; and

(b) the person contravenes the requirement.

Penalty: 60 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

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306J Self-incrimination

(1) An individual is not excused from producing a document under section 306D, 306E or 306F on the ground that the production of the document may tend to incriminate the individual or expose the individual to a penalty.

(2) However:

(a) any document so produced; and

(b) any information or thing (including any document) obtained as a direct or indirect result of a document so produced;

is not admissible in evidence against the individual in any criminal proceedings (except proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Act or the regulations).

306K Migration Agents Registration Authority to give client documents to clients

(1) If:

(a) a document is given to the Migration Agents Registration Authority under section 306D by an inactive migration agent; and

(b) the document relates to the affairs of a particular client of the inactive migration agent;

then, as soon as practicable, the Migration Agents Registration Authority must:

(c) give the document to:

(i) the client; or

(ii) if the client has, by written notice given to the Authority, nominated a person to receive such documents—that person; and

(d) give the client information about how to contact other registered migration agents.

(2) If:

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(a) a document is given to the Migration Agents Registration Authority under section 306E or 306F by the legal personal representative of:

(i) a deceased inactive migration agent; or

(ii) a deceased registered migration agent; and

(b) the document relates to the affairs of a particular client of the deceased migration agent;

then, as soon as practicable, the Migration Agents Registration Authority must:

(c) give the document to:

(i) the client; or

(ii) if the client has, by written notice given to the Authority, nominated a person to receive such documents—that person; and

(d) give the client information about how to contact other registered migration agents.

306L Compensation—constitutional safety-net

(1) If:

(a) apart from this section, the operation of this Division would result in the acquisition of property from a person otherwise than on just terms; and

(b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) A provision of this Act (other than this Division) that provides for compensation for the acquisition of property does not apply to this Division.

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(4) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

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Division 4—Investigations and decision-making by the Migration Agents Registration Authority

308 Requiring registered migration agents to give information

(1) The Migration Agents Registration Authority may require a registered migration agent:

(a) to make a statutory declaration in answer to questions in writing by the Authority; or

(b) to appear before an individual or individuals specified by the Authority and to answer questions; or

(c) to provide the Authority with specified documents or records relevant to the agent's continued registration.

(2) If a registered migration agent appears before one individual to answer questions, that individual must record the questions and answers and give the record to the Authority.

(2A) If a registered migration agent appears before 2 or more individuals to answer questions, one of them must record the questions and answers and give the record to the Authority.

(3) A registered migration agent is not excused from giving information or providing a document on the ground that the information or provision of the document may tend to incriminate the person.

(4) However:

(a) any information or document provided in response to a requirement under subsection (1); and

(b) any information or thing (including any document) obtained as a direct or indirect result of information or a document provided in response to a requirement under subsection (1);

is not admissible in evidence against the registered migration agent in any criminal proceedings (except proceedings for an offence

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against section 137.1 or 137.2 of the *Criminal Code* that relates to this Act or the regulations).

309 Persons may make submissions

(1) If the Migration Agents Registration Authority is considering refusing a registration application, it must inform the applicant of that fact and the reasons for it and invite the applicant to make a further submission in support of his or her application.

(2) If the Migration Agents Registration Authority is considering making a decision under section 303 to cancel or suspend a registered migration agent's registration, or to caution such an agent, it must inform the agent of that fact and the reasons for it and invite the agent to make a submission on the matter.

(3) In this section:

submission means:

(a) a statutory declaration; or

(b) a written argument.

310 Persons may appear before Migration Agents Registration Authority

(1) This section applies where the Migration Agents Registration Authority has invited a submission on a matter under section 309.

(2) If the Migration Agents Registration Authority does not receive a submission, it may decide the matter on the information before it.

(3) If the Migration Agents Registration Authority receives a submission, it may:

(a) decide the matter; or

(b) give the person who made the submission the opportunity to appear before it and then decide the matter.

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Section 311

311 Migration Agents Registration Authority not bound by legal forms etc.

The Migration Agents Registration Authority, in considering a registration application or a possible disciplinary action under section 303:

(a) is not bound by technicalities, legal forms or rules of evidence; and

(b) must act according to substantial justice and the merits of the case.

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Division 4A—Disciplining former registered migration agents

Subdivision A—Complaints about provision of immigration assistance

311A Barring former registered migration agents from being registered for up to 5 years

(1) The Migration Agents Registration Authority may decide to bar a former registered migration agent from being a registered migration agent for a period if, after investigating a complaint about him or her in relation to his or her provision of immigration assistance while he or she was a registered migration agent, it is satisfied that the subject matter of the complaint is made out.

Note: Before making such a decision, the Authority must invite the former registered migration agent to make a submission: see section 311D.

(2) The period must not be more than 5 years starting on the day of the Authority's decision.

311B Notice of disciplinary decision

Notice to former agent

(1) The Migration Agents Registration Authority must give a former registered migration agent written notice of a decision made under section 311A in relation to the former agent.

(2) The notice must set out the reasons for the decision and the period that the former agent is barred from being a registered migration agent.

When decision takes effect

(3) The decision takes effect at the time the former agent is given written notice of it.

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Note: Section 332H sets out when the former agent is taken to have been given the notice.

311C Making disciplinary details publicly available

(1) If a former registered migration agent is given notice of a decision under section 311A, then the Migration Agents Registration Authority:

(a) must as soon as possible make available in the prescribed way a statement that sets out the decision and specifies the grounds for the decision; and

(b) may prepare a statement about the decision and make it available to one or more groups of persons, or to one or more persons, in any way the Authority thinks fit.

This subsection applies even if a stay order is made in relation to the decision.

Content of statement

(3) A statement under this section need not set out the findings on material questions of fact and need not refer to the evidence or other material on which those findings were based.

Protection from civil proceedings

(4) No action or other proceeding for damages lies against a person for publishing in good faith:

(a) a copy of; or

(b) an extract from; or

(c) a summary of;

a statement under this section.

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311D Former registered migration agent may make a submission etc.

Invitation to make submission

(1) Before making a decision under subsection 311A(1), the Migration Agents Registration Authority must give the former registered migration agent a written notice:
  (a) stating that the Authority proposes to make such a decision and the reasons for it; and
  (b) inviting him or her to make a written submission to the Authority on the matter within 28 days after the notice is given.

Note: Section 332H sets out when the former agent is taken to have been given the notice.

Authority to consider any submission

(2) The Authority must consider any written submission received within that period.

No submission received

(3) If the Authority does not receive a written submission, it may decide the matter on the information before it.

Submission received

(4) If the Authority receives a written submission, it may:
  (a) decide the matter; or
  (b) give the former registered migration agent the opportunity to appear before it and then decide the matter.

311E Authority not bound by legal forms etc.

In considering making a decision under subsection 311A(1), the Migration Agents Registration Authority:

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(a) is not bound by technicalities, legal forms or rules of evidence; and
(b) must act according to substantial justice and the merits of the case.

311EA Requiring former registered migration agents to give information or documents

(1) This section applies if the Migration Agents Registration Authority is considering making a decision under section 311A to bar a former registered migration agent from being a registered migration agent for a period.

(2) The Authority may, by written notice given to the former agent, require him or her to provide the Authority with prescribed information or prescribed documents within the specified period and in the specified manner.

(3) A period specified in a notice under this section must end at least 14 days after the notice was given.

Note: Section 332H sets out when the former agent is taken to have been given the notice.

Offence

(4) A person commits an offence if:
(a) the person is subject to a requirement under this section; and
(b) the person contravenes the requirement.

Penalty: 60 penalty units.

(5) An offence against subsection (4) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

Self-incrimination

(6) A person is not excused from giving information or providing a document on the ground that the information or provision of the document may tend to incriminate the person.

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(7) However:

(a) any information or document provided in response to a requirement under subsection (2); and

(b) any information or thing (including any document) obtained as a direct or indirect result of information or a document provided in response to a requirement under subsection (2);

is not admissible in evidence against the person in any criminal proceedings (except proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Act or the regulations).

311F Review by the Administrative Appeals Tribunal

Subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for review of a decision by the Migration Agents Registration Authority under subsection 311A(1).

Subdivision B—Engaging in vexatious activity

311G Definitions

In this Subdivision:

mandatory decision means a decision of the Migration Agents Registration Authority under section 311L.

referral decision means a decision of the Minister under section 311H.

311H Minister may refer former registered migration agent for disciplinary action

(1) The Minister may refer a former registered migration agent to the Migration Agents Registration Authority for disciplinary action if, in relation to his or her provision of immigration assistance while he or she was a registered migration agent, he or she had a high visa refusal rate in relation to a visa of a particular class.

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Note 1: If the Minister is considering doing so, the Minister must invite the former agent to make a submission on the matter and must consider any submission that is made: see section 311J.

Note 2: If the Minister does refer a former agent, the Authority must discipline the former agent: see section 311L.

Note 3: The Minister's decision and the Authority's decision are reviewable by the Administrative Appeals Tribunal: see section 311M.

(2) In deciding whether or not to refer a former registered migration agent to the Migration Agents Registration Authority for disciplinary action, the Minister must have regard to any matter prescribed by the regulations.

311J Former registered migration agent may make submissions

(1) If the Minister is considering referring a former registered migration agent to the Migration Agents Registration Authority for disciplinary action, the Minister must give the former agent a written notice:

(a) stating that the Minister is considering making such a decision and the reasons for it; and

(b) inviting the former agent to make a written submission to the Minister:

(i) on the reasons for the former agent having a high visa refusal rate in relation to the class of visa concerned; and

(ia) on the period the former agent is to be barred from being a registered migration agent if the Minister decides to refer the former agent; and

(ii) on any other matter the former agent considers relevant; and

(c) stating that any submission must be made within the period (the ***objection period***) of 21 days after the notice is given.

Extension

(2) Before the end of the objection period, the former agent may, by notice in writing, request an extension of that period.

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(3) The Minister must grant an extension of 14 days if the notice contains reasons for the request.

Minister to consider any submission

(4) The Minister must consider any written submission received within the objection period (or that period as extended).

311K Notice of referral decision

Notice to Migration Agents Registration Authority

(1) The Minister must give the Migration Agents Registration Authority written notice of a decision to refer a former registered migration agent to the Authority for disciplinary action.

(2) The notice must be given to the Authority by one of the methods specified in section 494B. The notice must specify the grounds for the referral.

(2A) The notice must be accompanied by a copy of any submission made to the Minister under subsection 311J(1).

Notice to former agent

(3) The Minister must give the former registered migration agent written notice of the decision to refer him or her to the Authority for disciplinary action.

(4) The notice must be given to the former agent on the same day that notice of the referral is given to the Authority.

(5) The notice given to the former agent must set out the grounds for the referral.

311L Taking of disciplinary action

(1) If the Minister refers a former registered migration agent to the Migration Agents Registration Authority for disciplinary action, the Authority must bar him or her from being a registered

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migration agent for a period of not more than 5 years starting on the day that the Authority's decision takes effect.

Findings of fact

(2) In making its decision, the Authority must take the findings of fact made by the Minister in relation to the referral decision to be correct.

Matters Authority must take into account

(3) The Authority must take only the following matters into account in making its decision under subsection (1):
  (a) any written submission made to the Minister under subsection 311J(1) by the former agent;
  (b) the findings of fact made by the Minister in relation to the referral decision;
  (c) the grounds given by the Minister for the referral decision.

Natural justice hearing rule

(4) This section, section 311J and sections 494A to 494D are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the decision the Authority is required to make under subsection (1) of this section.

Note: Section 311J requires the Minister to give the former agent an opportunity to make a submission before the Minister refers the former agent for disciplinary action. Sections 494A to 494D relate to the giving of documents by the Minister under this Act.

Time of decision

(5) The Authority must make its decision under subsection (1) as soon as possible, but not later than 14 days, after receiving notice of the referral.

Note: Section 494C sets out when the Authority is taken to have received notice of the referral.

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Notice to agent

(6) The Authority must give the former agent written notice of its decision. The notice must set out the reasons for the decision.

(7) The decision takes effect at the time the former agent is given written notice of it.

Note: Section 332H sets out when the former agent is taken to have been given the notice.

311M Review by the Administrative Appeals Tribunal

An application may be made to the Administrative Appeals Tribunal for review of a referral decision or a mandatory decision.

311P Making disciplinary details publicly available

(1) If a former registered migration agent is given notice of a mandatory decision, then the Migration Agents Registration Authority:

(a) must as soon as possible make available in the prescribed way a statement that:

(i) sets out the mandatory decision; and

(ii) sets out the referral decision to which the mandatory decision relates; and

(iii) specifies the grounds for the referral decision; and

(b) may prepare a statement about the mandatory decision and the referral decision and make it available to one or more groups of persons, or to one or more persons, in any way the Authority thinks fit.

This subsection applies even if a stay order is made in relation to the mandatory decision or the referral decision.

Content of statement

(3) A statement under this section need not set out the findings on material questions of fact and need not refer to the evidence or other material on which those findings were based.

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Protection from civil proceedings

(4) No action or other proceeding for damages lies against a person for publishing in good faith:

(a) a copy of; or

(b) an extract from; or

(c) a summary of;

a statement under this section.

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Division 5—Obligations of registered migration agents

312 Notification obligations

(1) A registered migration agent must notify the Migration Agents Registration Authority in writing within 14 days after any of the following events occurs:

(a) he or she becomes bankrupt;

(b) he or she applies to take the benefit of any law for the relief of bankrupt or insolvent debtors;

(c) he or she compounds with his or her creditors;

(d) he or she makes an assignment of remuneration for the benefit of his or her creditors;

(e) he or she is convicted of an offence under a law of the Commonwealth or of a State or Territory;

(ea) if he or she paid, in relation to his or her current period of registration, the charge payable under regulation 5 of the *Migration Agents Registration Application Charge Regulations 1998*—he or she begins to give immigration assistance:

(i) on a commercial, or for-profit, basis; or

(ii) as a member of, or a person associated with, an organisation that operates on a commercial, or for-profit, basis;

(f) he or she becomes an employee, or becomes the employee of a new employer, and will give immigration assistance in that capacity;

(fa) he or she becomes a member of a partnership and will give immigration assistance in that capacity;

(g) if he or she is a member or an employee of a partnership and gives immigration assistance in that capacity—a member of the partnership becomes bankrupt;

(h) if he or she is an executive officer or an employee of a corporation and gives immigration assistance in that capacity:

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(i) a receiver of its property or part of its property is appointed; or

(iii) it begins to be wound up.

Penalty: 100 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(3) The day on which the event mentioned in paragraph (1)(ea) occurs is to be worked out in accordance with the *Migration Agents Registration Application Charge Regulations 1998*.

312A Notification of giving of immigration assistance to visa applicants

(1) If:

(a) a registered migration agent gives immigration assistance to a visa applicant in relation to the visa application; and

(b) the agent gives the assistance after having agreed to represent the applicant;

the agent must notify the Department in accordance with the regulations and within the period worked out in accordance with the regulations.

Penalty: 60 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

312B Notification of giving of immigration assistance to review applicants

(1) If:

(a) a registered migration agent gives immigration assistance to a person in respect of a review application made by the person; and

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(b) the agent gives the assistance after having agreed to represent the person;

the agent must notify the review authority concerned in accordance with the regulations and within the period worked out in accordance with the regulations.

Penalty: 60 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(3) In this section:

review application means an application for review by a review authority of a decision to refuse to grant a person a visa.

313 Persons charged for services to be given detailed statement of services

(1) A registered migration agent is not entitled to be paid a fee or other reward for giving immigration assistance to another person (the ***assisted person***) unless the agent gives the assisted person a statement of services.

(2) A statement of services must set out:
(a) particulars of each service performed; and
(b) the charge made in respect of each such service.

(3) An assisted person may recover the amount of a payment as a debt due to him or her if he or she:
(a) made the payment to a registered migration agent for giving immigration assistance; and
(b) did not receive a statement of services before making the payment; and
(c) does not receive a statement of services within the period worked out in accordance with the regulations.

(4) This section does not apply to the giving of immigration legal assistance by a lawyer.

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314 Code of Conduct for migration agents

(1) The regulations may prescribe a Code of Conduct for migration agents.

(2) A registered migration agent must conduct himself or herself in accordance with the prescribed Code of Conduct.

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Division 6—Migration Agents Registration Authority

315 Appointing the Migration Institute of Australia Limited as the Migration Agents Registration Authority

(1) The Minister may make a written instrument appointing the Institute for the purposes of the definition of ***Migration Agents Registration Authority*** in section 275.

Note: The Minister may also revoke the appointment. See subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) An appointment or revocation of an appointment does not affect an earlier exercise of a power, or performance of a function, of the Migration Agents Registration Authority. Anything done by, or in relation to, the person who was the Authority before the appointment or revocation, is taken to have been done by, or in relation to, the person who is the Authority afterwards.

316 Functions of Migration Agents Registration Authority

(1) The functions of the Migration Agents Registration Authority are:

(a) to deal with registration applications in accordance with this Part; and

(b) to monitor the conduct of registered migration agents in their provision of immigration assistance and of lawyers in their provision of immigration legal assistance; and

(c) to investigate complaints in relation to the provision of immigration assistance by registered migration agents; and

(d) to take appropriate disciplinary action against registered migration agents or former registered migration agents; and

(e) to investigate complaints about lawyers in relation to their provision of immigration legal assistance, for the purpose of referring appropriate cases to professional associations for possible disciplinary action; and

(f) to inform the appropriate prosecuting authorities about apparent offences against this Part or Part 4; and

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(g) to monitor the adequacy of any Code of Conduct; and

(h) such other functions as are conferred on the Authority by this Part.

(1A) In performing its function under paragraph (1)(c), the Authority may start, or complete, an investigation of a complaint about a person at a time when he or she is no longer a registered migration agent.

(1B) However, the Authority can investigate a complaint about a former registered migration agent only if the complaint is received within 12 months after he or she ceased to be a registered migration agent.

(2) So long as the Institute is appointed under section 315, the Migration Agents Registration Authority also has the function of advising the Minister on the adequacy of any Code of Conduct.

317 General powers of the Migration Agents Registration Authority

The Migration Agents Registration Authority has power to do all things necessarily or conveniently done for, or in connection with, the performance of its functions.

318 Power to refer people to mediation

If the Migration Agents Registration Authority is investigating a complaint about a person who is or was a registered migration agent, the Authority may refer the complainant and the person to a mediator to resolve the matter complained of.

319 Power to refer lawyers' conduct to other authorities

(1) The Migration Agents Registration Authority may refer to an authority responsible for disciplining lawyers the conduct of a registered migration agent, or a former registered migration agent, who holds a practising certificate (however described) entitling him or her to practise as a lawyer.

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Conduct of registered migration agents

(2) If the Migration Agents Registration Authority refers the conduct of a registered migration agent, it may not take action against the agent under section 303 on the basis of that conduct.

Note: Section 303 allows the Migration Agents Registration Authority to caution a registered migration agent or suspend or cancel a registered migration agent's registration.

Conduct of former registered migration agents

(3) If the Migration Agents Registration Authority refers the conduct of a former registered migration agent, it may not take action against him or her under subsection 311A(1) on the basis of that conduct.

Note: Subsection 311A(1) allows the Authority to bar a former registered migration agent from being a registered migration agent for a period of not more than 5 years starting on the day of its decision.

319A Institute may delegate powers and functions

(1) While the Institute is appointed under section 315, the Institute may, by writing, delegate any or all of the Migration Agents Registration Authority's functions or powers under this Part to:
  (a) a committee of the Institute; or
  (b) an officer of the Institute; or
  (c) an employee of the Institute.

Directions

(2) In performing a delegated function or exercising a delegated power, a delegate must comply with any written directions given by the Institute.

How committee to perform function or exercise power

(3) A function or power so delegated to a committee may be performed or exercised by a majority of the members of the

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committee and may not otherwise be performed or exercised under the delegation.

320 Minister may delegate powers and functions

(1) The Minister may delegate any of the Migration Agents Registration Authority's powers or functions under this Part to a person in the Department who is appointed or engaged under the *Public Service Act 1999*, for any period when the Institute is not appointed under section 315.

(2) A delegation must be in writing signed by the Minister.

(3) If the Minister delegates a power or function of the Migration Agents Registration Authority, the Minister may disclose to the delegate personal information to help the delegate exercise the power or perform the function.

321 Disclosure of personal information to the Migration Agents Registration Authority

Overview

(1) This section authorises certain disclosures of personal information for the purpose of facilitating or expediting the exercise of the powers, or performance of the functions, of the Migration Agents Registration Authority.

Disclosure by the Department to the Authority

(2) The Department may make a disclosure to the Migration Agents Registration Authority.

Disclosure by the Minister

(3) If the Minister appoints the Institute under section 315, the Minister may make a disclosure to the Institute or an officer or employee of the Institute.

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Note: Section 315 lets the Minister appoint the Institute for the purposes of the definition of ***Migration Agents Registration Authority*** in section 275.

Preliminary disclosure to the Institute

(4) The Department or the Minister may make a disclosure to the Institute or an officer or employee of the Institute at a time when the Minister has made an instrument appointing the Institute under section 315 but the instrument has not taken effect.

Section not limited to information obtained after commencement

(5) The Department or the Minister may disclose information whether it was obtained before or after the commencement of this section.

321A Disclosure of personal information by the Migration Agents Registration Authority

(1) The Migration Agents Registration Authority may disclose personal information about a registered migration agent, or an inactive migration agent, to any of the following (the ***recipient***):
  (a) the Secretary or an authorised officer;
  (b) a review authority.

(2) However, the Authority may do so only in the prescribed circumstances.

(3) The regulations may prescribe circumstances in which the recipient may use or disclose personal information disclosed under subsection (1).

(4) In this section:

inactive migration agent has the meaning given by section 306B.

322 Annual report

(1) If an appointment of the Institute under section 315 is in force at the end of a financial year, the Institute must give a report on the

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administration of this Part during the financial year to the Minister for presentation to the Parliament.

Note: Section 34C of the *Acts Interpretation Act 1901* explains when the Institute must give the report to the Minister, and when the Minister must cause the report to be tabled in each House of the Parliament.

(2) If an appointment of the Institute under section 315 is not in force at the end of the financial year, the Minister must cause to be tabled in each House of the Parliament a report on the administration of this Part during the financial year, before the end of the 15th sitting day of that House after the 31 December immediately following the financial year.

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Division 6A—Registration application fees and registration status charges

332A Collection of registration status charge

When charge due and payable

(1) Registration status charge is due and payable at the time worked out in accordance with a determination made, by legislative instrument, by the Migration Agents Registration Authority.

Recovery of charge

(3) Registration status charge that has become due for payment may be recovered by the Migration Agents Registration Authority, on behalf of the Commonwealth, as a debt due to the Commonwealth.

332B Payments to Migration Institute of Australia Limited

(1) There is payable to the Institute out of the Consolidated Revenue Fund an amount equal to the sum of registration application fees collected while an instrument under section 315 appointing the Institute is in force.

(1A) There is payable to the Institute out of the Consolidated Revenue Fund an amount equal to the sum of registration status charges collected (including amounts recovered under section 332A) while an instrument under section 315 appointing the Institute is in force.

(2) The Consolidated Revenue Fund is appropriated for the purposes of this section.

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Division 7—Other things

332C Removing disciplinary details—registered migration agents

(1) The Migration Agents Registration Authority must remove any of the following details that are made available by electronic means under this Part:

(a) any statement relating to the cancellation or suspension of a registered migration agent's registration;

(b) any statement about the cautioning of such an agent.

Time for removal

(2) The Authority must remove the details within the period worked out in accordance with the regulations.

(3) The regulations may prescribe different periods in relation to details about cancellations, suspensions or cautions.

332D Removing disciplinary details—former registered migration agents

(1) The Migration Agents Registration Authority must remove any statement that is made available by electronic means under section 311C or 311P.

(2) The Authority must remove the statement within the period worked out in accordance with the regulations.

332E Protection from civil proceedings

Complaints about registered migration agents

(1) No action or other proceeding for damages lies against a person in respect of loss, damage or injury of any kind suffered by another person because of any of the following acts done in good faith:

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(a) the making of a complaint to the Migration Agents Registration Authority in relation to the provision of immigration assistance by a registered migration agent;
(b) the making of a statement to, or the giving of a document or information to, the Authority in connection with the investigation of such a complaint.

Complaints about persons who are not registered migration agents

(2) No action or other proceeding for damages lies against a person in respect of loss, damage or injury of any kind suffered by another person because of any of the following acts done in good faith:
(a) the making of a complaint to the Department in relation to the provision of immigration assistance by a person who is not a registered migration agent;
(b) the making of a statement to, or the giving of a document or information to, the Department in connection with the investigation of such a complaint;
(c) the investigation of such a complaint.

Institute etc.

(3) The Institute, or an officer or employee of the Institute, is not liable to an action or other proceeding for damages for or in relation to any of the following acts done in good faith:
(a) the performance or purported performance of any function conferred on the Migration Agents Registration Authority under this Part;
(b) the exercise or purported exercise of any power conferred on the Authority under this Part.

Commonwealth etc.

(4) None of the following:
(a) the Commonwealth;
(b) the Minister;
(c) an officer;

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(d) any other person;

is liable to an action or other proceeding for damages for or in relation to any of the following acts done in good faith:

(e) the performance or purported performance of any function conferred on the Minister under this Part;

(f) the exercise or purported exercise of any power conferred on the Minister under this Part.

332F Disclosure of personal information by the Secretary

(1) The Secretary may disclose personal information about a registered migration agent, or an inactive migration agent, to a review authority.

(2) However, the Secretary may do so only in the prescribed circumstances.

(3) The regulations may prescribe circumstances in which the review authority may use or disclose personal information disclosed under subsection (1).

(4) In this section:

inactive migration agent has the meaning given by section 306B.

332G Disclosure of personal information by a review authority

Discretionary disclosure

(1) A review authority may disclose personal information about a registered migration agent, or an inactive migration agent, to the Secretary or an authorised officer.

(2) However, a review authority may do so only in the prescribed circumstances.

(3) The regulations may prescribe circumstances in which the Secretary or authorised officer may use or disclose personal information disclosed under subsection (1).

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Mandatory disclosure

(4) If a registered migration agent notifies a review authority that the agent has given immigration assistance to a person in respect of a review application made by the person, the review authority must notify the Department, in accordance with the regulations, that the agent has given immigration assistance to the person in respect of the review application.

Definitions

(5) In this section:

inactive migration agent has the meaning given by section 306B.

review application means an application for review by a review authority of a decision to refuse to grant a person a visa.

332H Giving of notices under this Part

(1) If a provision of this Part requires or permits the Migration Agents Registration Authority to give a notice to a person (the ***recipient***):
   (a) the Authority must give the notice to the recipient by 1 of the 4 methods set out in the following table; and
   (b) the time at which the recipient is taken to have been given the notice is the time set out in the table.

Giving of notices under this Part

Item	Methods of giving notices	Timing rule
1	Handing the notice to the recipient	When it is handed to the recipient

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Giving of notices under this Part		
Item	**Methods of giving notices**	**Timing rule**
2	Handing the notice to another person who: (a) is at the last residential or business address provided to the Authority by the recipient for the purposes of receiving notices; and (b) appears to live there (in the case of a residential address) or work there (in the case of a business address); and (c) appears to be at least 16 years of age	When it is handed to the other person
3	Dating the notice, and then dispatching it: (a) within 3 working days (in the place of dispatch) of the date of the notice; and (b) by prepaid post or by other prepaid means; and (c) to: (i) the last address for service provided to the Authority by the recipient for the purposes of receiving notices; or (ii) the last residential or business address provided to the Authority by the recipient for the purposes of receiving notices	(a) if the notice was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the notice; or (b) in any other case—21 days after the date of the notice

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Giving of notices under this Part		
Item	**Methods of giving notices**	**Timing rule**
4	Transmitting the notice by: (a) fax; or (b) email; or (c) other electronic means; to the last fax number, email address or other electronic address, as the case may be, provided to the Authority by the recipient for the purposes of receiving notices	At the end of the day on which the notice is transmitted

(2) This section has effect despite any provision in the *Electronic Transactions Act 1999*.

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Part 4—Offences relating to decisions under Act

334 Offences in relation to false or misleading statements regarding the making of decisions

(1) A person commits an offence if:

(a) the person makes a statement; and

(b) the statement is about:

(i) the person's ability or power; or

(ii) another person's ability or power;

to induce or influence the making of decisions, or of a particular decision, under this Act; and

(c) the statement is false or misleading.

(2) A person commits an offence if:

(a) the person makes a statement; and

(b) the statement is about the effect of:

(i) the person's actions; or

(ii) another person's actions;

on the making of a decision under this Act; and

(c) the statement is false or misleading.

Penalty: Imprisonment for 2 years.

335 Offence of undertaking, for reward, to cause decisions to be made etc.

A person must not enter an arrangement under which he or she undertakes, in return for a payment or other reward, that a decision under this Act to a particular effect will be made.

Penalty: Imprisonment for 2 years.

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336 Court may order reparation for loss suffered

(1) Where:

(a) a person is convicted by a court of an offence against this Part; and

(b) because of that offence, another person has suffered loss;

the court may, in addition to any penalty imposed on the offender, order the offender to make to the other person such reparation (whether by payment of money or otherwise) as the court thinks fit.

(2) Where:

(a) a court makes an order for the making of reparation by payment of an amount of money; and

(b) the clerk, or other appropriate officer, of the court signs a certificate specifying:

(i) the amount ordered to be paid; and

(ii) the person by whom the amount is to be paid; and

(iii) the person to whom the amount is to be paid; and

(c) the certificate is filed in a court having civil jurisdiction to the extent of the amount to be paid;

the certificate is enforceable in all respects as a final judgment of the court in which the certificate is filed.

(3) The court may not, under subsection (1), order reparation in respect of an amount paid by a person if that amount has been recovered by the person under section 313.

(4) If an amount paid by a person could be recovered by the person under section 313, the following provisions apply:

(a) if, under subsection (1), a court orders the person to whom the amount was paid to make reparation to the first person, the court must state in the order whether the reparation ordered includes reparation for the amount paid;

(b) if a court states in an order under subsection (1) that the reparation ordered is or includes reparation for the amount paid, the amount is not recoverable under section 313.

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Part 4A—Obligations relating to identifying information

Division 1—Preliminary

336A Definitions

In this Part:

data base means a discrete body of information stored by electronic means, containing:

(a) indexes of persons who have provided personal identifiers in accordance with a requirement under this Act; and

(b) their identifying information.

destroy, in relation to identifying information, has the meaning given by subsection 336K(4).

disclose, in relation to identifying information that is a personal identifier referred to in paragraph (a) of the definition of ***identifying information*** in this section, includes provide unauthorised access to the personal identifier.

Note: Section 336D deals with authorised access to identifying information.

identifying information means the following:

(a) any personal identifier obtained by the Department for one or more of the purposes referred to in subsection 5A(3);

(b) any meaningful identifier derived from any such personal identifier;

(c) any record of a result of analysing any such personal identifier or any meaningful identifier derived from any such personal identifier;

(d) any other information, derived from any such personal identifier, from any meaningful identifier derived from any such personal identifier or from any record of a kind referred to in paragraph (c), that could be used to discover a particular

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person's identity or to get information about a particular person.

permitted disclosure has the meaning given by subsections 336E(2) and (3).

unauthorised impairment has the meaning given by section 336J.

unauthorised modification has the meaning given by section 336J.

336B Application

Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to all offences against this Part.

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Division 2—Accessing identifying information

336C Accessing identifying information

(1) A person commits an offence if:

(a) the person accesses identifying information; and

(b) the person is not authorised under section 336D to access the identifying information for the purpose for which the person accessed it.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

(1A) This section does not apply if the person believes on reasonable grounds that the access is necessary to prevent or lessen a serious and imminent threat to the life or health of the person or of any other person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

(2) This section does not apply if the access is through a disclosure that is a permitted disclosure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

336D Authorising access to identifying information

(1) The Secretary or Australian Border Force Commissioner may, in writing, authorise a specified person, or any person included in a specified class of persons, to access identifying information of the kind specified in the authorisation.

(2) The Secretary or Australian Border Force Commissioner must specify in an authorisation under this section, as the purpose or purposes for which access is authorised, one or more of the following purposes:

(a) one or more of the purposes set out in subsection 5A(3);

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(b) disclosing identifying information in accordance with this Part;
(c) administering or managing the storage of identifying information;
(d) making identifying information available to the person to whom it relates;
(e) modifying identifying information to enable it to be matched with other identifying information;
(f) modifying identifying information in order to correct errors or ensure compliance with appropriate standards;
(g) the purposes of:
(i) this Act or an instrument made under this Act; or
(ii) the *Australian Citizenship Act 2007* or an instrument made under that Act; or
(iii) the *Customs Act 1901* or an instrument made under that Act; or
(iv) any other law of the Commonwealth prescribed by the regulations;
(h) complying with laws of the Commonwealth or the States or Territories.

(3) However, the Secretary or Australian Border Force Commissioner must not specify as a purpose for which access is authorised a purpose that will include or involve the purpose of:
(a) investigating an offence against a law of the Commonwealth or a State or Territory; or
(b) prosecuting a person for such an offence;
if the identifying information in question relates to a personal identifier of a prescribed type.

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Division 3—Disclosing identifying information

336E Disclosing identifying information

(1) A person commits an offence if:

(a) the person's conduct causes disclosure of identifying information; and

(b) the disclosure is not a permitted disclosure.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

(1A) This section does not apply if the person believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the person or of any other person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

(2) A ***permitted disclosure*** is a disclosure that:

(a) is for the purpose of data-matching in order to:

(i) identify, or authenticate the identity of, a person; or

(ii) facilitate the processing of persons entering or departing from Australia; or

(iii) identify non-citizens who have a criminal history or who are of character concern; or

(iiia) identify persons who may be a security concern to Australia or a foreign country; or

(iv) combat document and identity fraud in immigration matters; or

(v) ascertain whether an applicant for a protection visa had sufficient opportunity to avail himself or herself of protection before arriving in Australia; or

(vi) inform the governments of foreign countries of the identity of non-citizens who are, or are to be, removed, taken or deported from Australia; or

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(b) is for the purpose of administering or managing the storage of identifying information; or

(ba) is for the purpose of:

(i) this Act or an instrument made under this Act; or

(ii) the *Australian Citizenship Act 2007* or an instrument made under that Act; or

(iii) the *Customs Act 1901* or an instrument made under that Act; or

(iv) any other law of the Commonwealth prescribed by the regulations; or

(c) is authorised under section 336F and is for the purpose, or one or more of the purposes, for which the disclosure is authorised; or

(d) is for the purpose of making the identifying information in question available to the person to whom it relates; or

(da) is to an agency of the Commonwealth or of a State or Territory in order to verify that a person is an Australian citizen or holds a visa of a particular class; or

(e) takes place under an arrangement entered into with an agency of the Commonwealth, or with a State or Territory or an agency of a State or Territory, for the exchange of identifying information; or

(ea) is reasonably necessary for the enforcement of the criminal law of the Commonwealth or of a State or Territory; or

(eb) is required by or under a law of the Commonwealth or of a State or Territory; or

(ec) is for the purpose of identifying non-citizens who have a criminal history or who are of character concern; or

(ed) is for the purpose of identifying persons who may be a security concern to Australia or a foreign country; or

(f) is for the purpose of a proceeding, before a court, the Tribunal or another tribunal, or the Immigration Assessment Authority, relating to the person to whom the identifying information in question relates; or

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(g) is for the purpose of an investigation by the Information Commissioner or the Ombudsman relating to action taken by the Department; or

(ga) is for the purpose of facilitating or expediting the exercise of powers, or performance of functions, of the Migration Agents Registration Authority; or

(gb) is for the purposes of the extradition of persons to or from Australia, including the making of, or the consideration of whether to make, a request for extradition; or

(gc) is for the purposes of:

(i) the provision, or proposed provision, of international assistance in criminal matters by the Attorney-General, or an officer of his or her Department, to a foreign country; or

(ii) the obtaining, or proposed obtaining, of international assistance in criminal matters by the Attorney-General, or an officer of his or her Department, from a foreign country; or

(h) is made to a prescribed body or agency for the purpose of the body or agency inquiring into the operation of provisions of this Act relating to:

(i) carrying out an identification test; or

(ii) requiring the provision of a personal identifier; or

(ha) is a disclosure of an audio or a video recording for the purposes of:

(i) this Act or the regulations or the *Australian Citizenship Act 2007* or the regulations made under that Act; and

(ii) transcribing or translating the recording, or conducting language analysis or accent analysis of the recording; or

(i) takes place with the written consent of the person to whom the identifying information in question relates; or

(j) is authorised by section 336FA; or

(k) is authorised by section 336FC.

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(3) However, a disclosure is not a permitted disclosure if:
  (a) it is a disclosure of identifying information relating to a personal identifier of a prescribed type; and
  (b) it is for the purpose of:
    (i) investigating an offence against a law of the Commonwealth or a State or Territory; or
    (ii) prosecuting a person for such an offence.

336F Authorising disclosure of identifying information to foreign countries etc.

(1) The Secretary or Australian Border Force Commissioner may, in writing, authorise a specified officer, or any officer included in a specified class of officers, to disclose identifying information of the kind specified in the authorisation to one or more of the following:
  (a) one or more specified foreign countries;
  (b) one or more specified bodies each of which is:
    (i) a police force or police service of a foreign country; or
    (ii) a law enforcement body of a foreign country (including a war crimes tribunal); or
    (iii) a border control body of a foreign country;
  (c) one or more specified international organisations, or specified organisations of foreign countries, that are responsible for the registration of people as part of refugee or humanitarian programs;
  (d) one or more prescribed bodies of a foreign country, of the Commonwealth or of a State or Territory;
  (e) one or more prescribed international organisations.

(2) The Secretary or Australian Border Force Commissioner must specify in the authorisation, as the purpose or purposes for which disclosure is authorised, one or more of the purposes set out in subsection 5A(3).

(3) A disclosure is taken not to be authorised under this section if:
  (a) the person to whom the identifying information relates is:

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(i) an applicant for a protection visa; or
(ii) an unauthorised maritime arrival who makes a claim for protection as a refugee; or
(iii) an unauthorised maritime arrival who makes a claim for protection on the basis that the person will suffer significant harm; and

(b) the disclosure is to a foreign country in respect of which the application or claim is made, or a body of such a country.

(4) A disclosure is taken not to be authorised under this section if:

(a) the person to whom the identifying information relates is:
(i) an applicant for a protection visa; or
(ii) an unauthorised maritime arrival who makes a claim for protection as a refugee; or
(iii) an unauthorised maritime arrival who makes a claim for protection on the basis that the person will suffer significant harm; and

(b) the officer making the disclosure is not reasonably satisfied that the country or body to which the disclosure is made will not disclose the identifying information to a foreign country in respect of which the application or claim is made, or a body of such a country.

(5) However, if:

(a) the person to whom the identifying information relates has requested or agreed to return to the foreign country in respect of which the application or claim is made; or

(b) the person is an applicant for a protection visa, and the application has been refused and finally determined; or

(c) the person is an unauthorised maritime arrival:
(i) who makes a claim for protection as a refugee; and
(ii) who, following assessment of his or her claim, is found not to be a person in respect of whom Australia has protection obligations; or

(ca) the person is an unauthorised maritime arrival:

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(i) who makes a claim for protection on the basis that the person will suffer significant harm; and

(ii) who, following assessment of his or her claim, is found not to be a person for whom there is a real risk of suffering significant harm; or

(cb) the person is an unauthorised maritime arrival:

(i) who makes a claim for protection on the basis that the person will suffer significant harm; and

(ii) who, following assessment of his or her claim, is found to be a person in respect of whom there are serious reasons for considering that he or she has committed a crime against peace, a war crime or a crime against humanity (as defined by international instruments prescribed by the regulations) or a serious non-political crime before entering Australia, or that he or she has been guilty of acts contrary to the purposes and principles of the United Nations; or

(cc) the person is an unauthorised maritime arrival:

(i) who makes a claim for protection on the basis that the person will suffer significant harm; and

(ii) who, following assessment of his or her claim, is found to be a person in respect of whom there are reasonable grounds for considering that he or she is a danger to Australia's security or is a person who, having been convicted by a final judgment of a particularly serious crime (including a crime that consists of the commission of a serious Australian offence or serious foreign offence), is a danger to the Australian community;

then:

(d) subsection (3) does not apply to a disclosure to that country or to a body of that country; and

(e) subsection (4) does not apply to a disclosure to a body or country that may disclose the identifying information to that foreign country or to a body of that country.

Note: See subsection 5(9) for when an application is finally determined.

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336FA Disclosure of certain personal identifiers to selected individuals

(1) For the purposes of paragraph 336E(2)(j), this section authorises the disclosure, by an officer, of identifying information that relates to a person (the ***subject***) if:

(a) the information disclosed is a personal identifier within the meaning of paragraph (b), (c), (d) or (f) of the definition of ***personal identifier*** in subsection 5A(1); and

(b) the disclosure is made to an individual; and

(c) the disclosure is for the purpose of obtaining the individual's help to do one or more of the following in connection with the administration of this Act:

(i) identify, authenticate the identity of, or locate, the subject;

(ii) refer the officer to another person who might be able to help identify, authenticate the identity of, or locate, the subject; and

(d) the officer has reasonable grounds to believe that the individual might be able to provide the help that is the purpose of the officer's disclosure; and

(e) the officer is satisfied that it is reasonably necessary to make the disclosure to the individual in order to obtain that help; and

(f) the information is only disclosed to the extent necessary in order to obtain that help.

Note: The personal identifiers covered by this section are measurements of a person's height and weight, photographs or other images of a person's face and shoulders, audio or video recordings of a person (other than video recordings under section 261AJ) and signatures.

(2) Nothing in subsection (1) prevents an officer from disclosing the personal identifier to more than one individual at the same time, as long as the requirements of subsection (1) are met in relation to each one of those individuals.

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336FB Disclosure of other relevant information to selected individuals

(1) An officer may disclose, to an individual, personal information about a person (the ***subject***) if:

(a) the officer is disclosing, to the individual, a personal identifier of the subject and the disclosure is authorised by section 336FA; and

(b) the personal information is disclosed together with the personal identifier; and

(c) paragraphs 336FA(1)(b), (c), (d), (e) and (f) are met in relation to the personal information as well as the personal identifier.

(2) This section does not apply to personal information that is identifying information.

(3) Nothing in subsection (1) prevents an officer from disclosing the personal information to more than one individual at the same time, as long as the requirements of paragraphs 336FA(1)(b), (c), (d), (e) and (f) are met in relation to each one of those individuals.

336FC Disclosure of certain personal identifiers to the general public

(1) For the purposes of paragraph 336E(2)(k), this section authorises the disclosure of identifying information that relates to a person (the ***subject***) who is not a minor, if:

(a) the information disclosed is a personal identifier within the meaning of paragraph (b), (c), (d) or (f) of the definition of ***personal identifier*** in subsection 5A(1); and

(b) the disclosure is for the purpose of obtaining the public's help to identify, authenticate the identity of, or locate, the subject, in connection with the administration of this Act; and

(c) the Secretary or Australian Border Force Commissioner has authorised, in writing, disclosure of the personal identifier.

Note: The personal identifiers covered by this section are measurements of a person's height and weight, photographs or other images of a person's

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face and shoulders, audio or video recordings of a person (other than video recordings under section 261AJ) and signatures.

(2) The Secretary or Australian Border Force Commissioner must not authorise disclosure of the personal identifier unless:

(a) the Secretary or Australian Border Force Commissioner is satisfied that other reasonable steps have been taken to identify, authenticate the identity of, or locate, the subject; and

(b) either:

(i) the Secretary or Australian Border Force Commissioner is satisfied that the subject has been informed of the proposed disclosure (including the personal identifier that is to be disclosed and the manner in which the disclosure is to be made) and the Secretary or Australian Border Force Commissioner has either considered the subject's views in relation to the proposed disclosure or been satisfied that the subject has no views in relation to it; or

(ii) the Secretary or Australian Border Force Commissioner is satisfied that the subject cannot be found; and

(c) the Secretary or Australian Border Force Commissioner has considered the sensitivity of the personal identifier that is to be disclosed; and

(d) the Secretary or Australian Border Force Commissioner is satisfied that it is reasonably necessary to authorise disclosure in order to identify, authenticate the identity of, or locate, the subject; and

(e) if personal information that is not identifying information is to be disclosed together with the personal identifier—the Secretary or Australian Border Force Commissioner is satisfied that it is reasonably necessary to disclose the personal information together with the personal identifier in order to identify, authenticate the identity of, or locate, the subject.

(3) For the purposes of subparagraph (2)(b)(i), if the subject does not express a view in relation to the proposed disclosure within a

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reasonable time of being informed of it, the Secretary or Australian Border Force Commissioner is entitled to be satisfied that the subject has no views in relation to it.

(4) If the Secretary or Australian Border Force Commissioner authorises disclosure of a personal identifier under paragraph (1)(c), the authority covers all disclosures of the identifier made for the purpose mentioned in paragraph (1)(b).

(5) An authority under paragraph (1)(c) is not a legislative instrument.

336FD Disclosure of other relevant information to the general public

(1) For the purposes of paragraph 6.2(b) of Australian Privacy Principle 6, the disclosure by a person of personal information about another person (the ***subject***) is taken to be a disclosure that is authorised by this Act if:

(a) the person is disclosing a personal identifier of the subject and the disclosure is authorised by section 336FC; and

(b) the personal information is disclosed together with the personal identifier; and

(c) the disclosure of the personal information is for the purpose mentioned in paragraph 336FC(1)(b).

(2) This section does not apply to personal information that is identifying information.

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Division 4—Modifying and impairing identifying information

336G Unauthorised modification of identifying information

A person commits an offence if:

(a) the person causes any unauthorised modification of identifying information; and

(b) the person intends to cause the modification; and

(c) the person knows that the modification is unauthorised.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

336H Unauthorised impairment of identifying information

A person commits an offence if:

(a) the person causes any unauthorised impairment of:

(i) the reliability of identifying information; or

(ii) the security of the storage of identifying information; or

(iii) the operation of a system by which identifying information is stored; and

(b) the person intends to cause the impairment; and

(c) the person knows that the impairment is unauthorised.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

336J Meanings of *unauthorised modification* and *unauthorised impairment* etc.

(1) In this Part:

(a) modification of identifying information; or

(b) impairment of the reliability of identifying information; or

(c) impairment of the security of the storage of identifying information; or

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(d) impairment of the operation of a system by which identifying information is stored;

by a person is unauthorised if the person is not entitled to cause that modification or impairment.

(2) Any such modification or impairment caused by the person is not unauthorised merely because he or she has an ulterior purpose for causing it.

(3) For the purposes of an offence under this Part, a person causes any such unauthorised modification or impairment if the person's conduct substantially contributes to it.

(4) For the purposes of subsection (1), if:

(a) a person causes any modification or impairment of a kind mentioned in that subsection; and

(b) the person does so under a warrant issued under the law of the Commonwealth, a State or a Territory;

the person is entitled to cause that modification or impairment.

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Division 5—Destroying identifying information

336K Destroying identifying information

(1) A person commits an offence if:

(a) the person is the responsible person for identifying information; and

(b) the identifying information is not of a kind that may, under section 336L, be indefinitely retained; and

(c) the person fails to destroy the identifying information as soon as practicable after the person is no longer required under the *Archives Act 1983* to keep the identifying information.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

Note: See section 24 of the *Archives Act 1983* (particularly paragraphs 24(2)(b) and (c)) on the obligation to keep the identifying information.

(2) This section does not apply if the identifying information is:

(a) a personal identifier that is any of the following:

(i) a measurement of a person's height and weight;

(ii) a photograph or other image of a person's face and shoulders;

(iii) a person's signature; or

(b) identifying information derived from or relating to such a personal identifier.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

(3) For the purposes of this section, the ***responsible person*** for identifying information is:

(a) if the identifying information is stored on a database—the person who has day-to-day control of the database; or

(b) otherwise—the person who has day-to-day responsibility for the system under which the identifying information is stored.

(4) Identifying information is ***destroyed*** if:

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(a) in the case of identifying information that is a personal identifier—it is physically destroyed; and
(b) in any other case—any means of identifying it with the person to whom it relates is destroyed.

336L Identifying information that may be indefinitely retained

(1) Identifying information may be indefinitely retained if the non-citizen to whom it relates:
(a) is, or has ever been, in immigration detention; or
(b) has ever had an application for a visa refused, or has ever had a visa cancelled; or
(c) has ever:
(i) entered Australia on a temporary visa; and
(ii) since its expiry, remained in Australia as an unlawful non-citizen; or
(d) has ever been convicted of an offence against this Act or the regulations; or
(e) has ever been subject to action taken under this Act or the regulations for the purpose of:
(i) deporting the non-citizen; or
(ii) removing the non-citizen from Australia; or
(f) is a person in respect of whom the Minister has issued a conclusive certificate under subsection (4).

(2) Paragraph (1)(a) does not apply in relation to detention that occurs only because the non-citizen is, or was, detained for questioning detention (see section 192). However, this subsection does not apply if the detention leads to detention under section 189 because of the application of subsection 190(2).

(3) Paragraph (1)(b) does not apply if the decision to refuse the application for the visa, or to cancel the visa, was set aside on a review.

(4) The Minister may issue a conclusive certificate in respect of a non-citizen if the Minister is satisfied that:

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(a) the non-citizen is a threat to the security of the Commonwealth or of a State or Territory; or

(b) it is in the public interest to do so.

(5) The power under subsection (4) may only be exercised by the Minister personally.

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Part 5—Review of Part 5-reviewable decisions

Division 1—Interpretation

336M Simplified outline of this Part

This Part provides for the review of Part 5-reviewable decisions by the Administrative Appeals Tribunal in its Migration and Refugee Division.

Part 5-reviewable decisions relate to the grant or cancellation of visas in some circumstances. They do not include decisions relating to protection visas or temporary safe haven visas, or decisions in relation to which the Minister has given a conclusive certificate.

Part 7-reviewable decisions (which generally relate to protection visas) are reviewable in accordance with Part 7 by the Administrative Appeals Tribunal in its Migration and Refugee Division.

Some other decisions under this Act may be reviewed by the Administrative Appeals Tribunal in its General Division, including the following:

(a) some decisions to cancel business visas;
(b) some decisions relating to migration agents;
(c) some decisions relating to deportation, protection visas and the refusal or cancellation of visas on character grounds.

Fast track reviewable decisions are reviewable by the Immigration Assessment Authority under Part 7AA of this Act. These are decisions to refuse protection visas to some applicants, including unauthorised maritime arrivals who entered Australia on or after 13 August 2012.

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336N Scope of this Part

(1) This Part applies in relation to the review by the Tribunal of Part 5-reviewable decisions (see section 338).

(2) The Tribunal's powers in relation to Part 5-reviewable decisions may be exercised by the Tribunal only in its Migration and Refugee Division.

337 Interpretation

In this Part:

Australian permanent resident means an Australian permanent resident within the meaning of the regulations.

company includes any body or association (whether or not it is incorporated), but does not include a partnership.

decision on a review means any of the following decisions of the Tribunal in relation to an application for review of a Part 5-reviewable decision:

(a) a decision to affirm the Part 5-reviewable decision;
(b) a decision to vary the Part 5-reviewable decision;
(c) a decision under paragraph 349(2)(c) to remit a matter in relation to the Part 5-reviewable decision for reconsideration;
(d) a decision to set the Part 5-reviewable decision aside and substitute a new decision;
(e) a decision under paragraph 362B(1C)(b) or subsection 362B(1E) to confirm a decision to dismiss the application.

member means a member of the Tribunal.

nominated has the same meaning as in the regulations.

officer of the Tribunal has the meaning given by the *Administrative Appeals Tribunal Act 1975*.

Part 5-reviewable decision: see section 338.

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Registrar means the Registrar of the Tribunal.

sponsored has the same meaning as in the regulations.

Note: "Tribunal" means the Administrative Appeals Tribunal. See the definition in subsection 5(1).

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Division 2—Part 5-reviewable decisions

338 Definition of *Part 5-reviewable decision*

(1) A decision is a ***Part 5-reviewable decision*** if this section so provides, unless:

(a) the Minister has issued a conclusive certificate under section 339 in relation to the decision; or

(b) the decision is a Part 7-reviewable decision; or

(c) the decision is to refuse to grant, or to cancel, a temporary safe haven visa; or

(d) the decision is a fast track decision.

(2) A decision (other than a decision covered by subsection (4) or made under section 501) to refuse to grant a non-citizen a visa is a ***Part 5-reviewable decision*** if:

(a) the visa could be granted while the non-citizen is in the migration zone; and

(b) the non-citizen made the application for the visa while in the migration zone; and

(c) the decision was not made when the non-citizen:

(i) was in immigration clearance; or

(ii) had been refused immigration clearance and had not subsequently been immigration cleared; and

(d) where it is a criterion for the grant of the visa that the non-citizen is sponsored by an approved sponsor, and the visa is a temporary visa of a kind (however described) prescribed for the purposes of this paragraph:

(i) the non-citizen is sponsored by an approved sponsor at the time the application to review the decision to refuse to grant the visa is made; or

(ii) an application for review of a decision not to approve the sponsor has been made, but, at the time the application to review the decision to refuse to grant the

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visa is made, review of the sponsorship decision is pending.

(3) A decision to cancel a visa held by a non-citizen who is in the migration zone at the time of the cancellation is a ***Part 5-reviewable decision*** unless the decision:

(a) is covered by subsection (4); or

(b) is made at a time when the non-citizen was in immigration clearance; or

(c) was made under section 133A or 133C, subsection 134(1), (3A) or (4) or section 501; or

(d) was made personally by the Minister under section 109 or 116 or subsection 140(2).

(3A) A decision under section 137L not to revoke the cancellation of a non-citizen's visa is a ***Part 5-reviewable decision*** if the non-citizen was in the migration zone when the decision was made.

(4) The following decisions are ***Part 5-reviewable decisions***:

(a) a decision to refuse to grant a bridging visa to a non-citizen who is in immigration detention because of that refusal;

(b) a decision of a delegate of the Minister to cancel a bridging visa held by a non-citizen who is in immigration detention because of that cancellation.

(5) A decision to refuse to grant a non-citizen a visa is a ***Part 5-reviewable decision*** if:

(a) the visa is a visa that could not be granted while the non-citizen is in the migration zone; and

(b) the non-citizen, as required by a criterion for the grant of the visa, was sponsored or nominated by:

(i) an Australian citizen; or

(ii) a company that operates in the migration zone; or

(iii) a partnership that operates in the migration zone; or

(iv) the holder of a permanent visa; or

(v) a New Zealand citizen who holds a special category visa.

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(6) A decision to refuse to grant a non-citizen a visa is a ***Part 5-reviewable decision*** if:

(a) the visa is a visa that could not be granted while the non-citizen is in the migration zone; and

(b) a criterion for the grant of the visa is that the non-citizen has been an Australian permanent resident; and

(c) a parent, spouse, de facto partner, child, brother or sister of the non-citizen is an Australian citizen or an Australian permanent resident.

Note: Section 5G may be relevant for determining family relationships for the purposes of this subsection.

(7) A decision to refuse to grant a non-citizen a visa is a ***Part 5-reviewable decision*** if:

(a) the visa is a visa that could not be granted while the non-citizen is in the migration zone; and

(b) a criterion for the grant of the visa is that the non-citizen intends to visit an Australian citizen, or an Australian permanent resident, who is a parent, spouse, de facto partner, child, brother or sister of the non-citizen; and

(c) particulars of the relative concerned are included in the application.

Note: Section 5G may be relevant for determining family relationships for the purposes of this subsection.

(7A) A decision to refuse to grant a non-citizen a permanent visa is a ***Part 5-reviewable decision*** if:

(a) the non-citizen made the application for the visa at a time when the non-citizen was outside the migration zone; and

(b) the visa is a visa that could be granted while the non-citizen is either in or outside the migration zone.

(8) A decision, under section 93, as to the assessed score of an applicant for a visa is a ***Part 5-reviewable decision*** if:

(a) the visa is a visa that could not be granted while the applicant is in the migration zone; and

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(b) the applicant, as required by a criterion for the grant of the visa, was sponsored or nominated by:
  (i) an Australian citizen; or
  (ii) the holder of a permanent visa; or
  (iii) a New Zealand citizen who holds a special category visa; and
(c) the Minister has not refused to grant the visa.

(9) A decision that is prescribed for the purposes of this subsection is a ***Part 5-reviewable decision***.

339 Conclusive certificates

The Minister may issue a conclusive certificate in relation to a decision if the Minister believes that:

(a) it would be contrary to the national interest to change the decision; or
(b) it would be contrary to the national interest for the decision to be reviewed.

Note: If the Minister issues a conclusive certificate in relation to a decision, the decision is not a ***Part 5-reviewable decision*** (see subsections 338(1) and 348(2)).

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Division 3—Part 5-reviewable decisions: Tribunal review

347 Application for review of Part 5-reviewable decisions

(1) An application for review of a Part 5-reviewable decision must:
  (a) be made in the approved form; and
  (b) be given to the Tribunal within the prescribed period, being a period ending not later than:
    (i) if the Part 5-reviewable decision is covered by subsection 338(2), (3), (3A), (4) or (7A)—28 days after the notification of the decision; or
    (ii) if the Part 5-reviewable decision is covered by subsection 338(5), (6), (7) or (8)—70 days after the notification of the decision; or
    (iii) if the Part 5-reviewable decision is covered by subsection 338(9)—the number of days prescribed, in respect of the kind of decision in question prescribed for the purposes of that subsection, after the notification of the decision; and
  (c) be accompanied by the prescribed fee (if any).

(2) An application for review may only be made by:
  (a) if the Part 5-reviewable decision is covered by subsection 338(2), (3), (3A), (4) or (7A)—the non-citizen who is the subject of that decision; or
  (b) if the Part 5-reviewable decision is covered by subsection 338(5) or (8)—the sponsor or nominator referred to in the subsection concerned; or
  (c) if the Part 5-reviewable decision is covered by subsection 338(6) or (7)—the relative referred to in the subsection concerned; or
  (d) if the Part 5-reviewable decision is covered by subsection 338(9)—the person prescribed in respect of the kind of decision in question prescribed for the purposes of that subsection.

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Note: Section 5G may be relevant for determining family relationships for the purposes of paragraph (2)(c).

(3) If the Part 5-reviewable decision was covered by subsection 338(2), (3), (3A) or (4), an application for review may only be made by a non-citizen who is physically present in the migration zone when the application for review is made.

(3A) If the Part 5-reviewable decision was covered by subsection 338(7A), an application for review may only be made by a non-citizen who:

(a) was physically present in the migration zone at the time when the decision was made; and

(b) is physically present in the migration zone when the application for review is made.

(4) If the Part 5-reviewable decision was covered by subsection 338(4), the approved form for an application for review must include a statement advising the applicant that the applicant may:

(a) request the opportunity to appear before the Tribunal; and

(b) request the Tribunal to obtain oral evidence from a specified person or persons.

A request must be made in the approved form and must accompany the application for review.

(5) Regulations made for the purposes of paragraph (1)(b) may specify different periods in relation to different classes of Part 5-reviewable decisions (which may be decisions that relate to non-citizens in a specified place).

348 Tribunal to review Part 5-reviewable decisions

(1) Subject to subsection (2), if an application is properly made under section 347 for review of a Part 5-reviewable decision, the Tribunal must review the decision.

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(2) The Tribunal must not review, or continue to review, a decision in relation to which the Minister has issued a conclusive certificate under section 339.

349 Tribunal powers on review of Part 5-reviewable decisions

(1) The Tribunal may, for the purposes of the review of a Part 5-reviewable decision, exercise all the powers and discretions that are conferred by this Act on the person who made the decision.

(2) The Tribunal may:
  (a) affirm the decision; or
  (b) vary the decision; or
  (c) if the decision relates to a prescribed matter—remit the matter for reconsideration in accordance with such directions or recommendations of the Tribunal as are permitted by the regulations; or
  (d) set the decision aside and substitute a new decision; or
  (e) if the applicant fails to appear—exercise a power under section 362B in relation to the dismissal or reinstatement of an application.

(3) If the Tribunal:
  (a) varies the decision; or
  (b) sets aside the decision and substitutes a new decision;
the decision as varied or substituted is taken (except for the purpose of appeals from decisions of the Tribunal) to be a decision of the Minister.

(4) To avoid doubt, the Tribunal must not, by varying a decision or setting a decision aside and substituting a new decision, purport to make a decision that is not authorised by the Act or the regulations.

350 Review of assessments made under section 93

(1) In reviewing an assessment of the Minister under section 93, the only regulations for the purpose of that section which the Tribunal

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is to have regard to are whichever of the following are more favourable to the applicant:

(a) the regulations for that purpose that were in force at the time the assessment was made by the Minister;

(b) the regulations for that purpose that are in force at the time the decision was made by the Tribunal about the assessment.

(2) In determining whether the regulations mentioned in paragraph (1)(a) or (1)(b) are more favourable to the applicant, the only applicable pass mark and applicable pool mark that the Tribunal may have regard to are:

(a) in relation to regulations covered by paragraph (1)(a)—the applicable pass mark and the applicable pool mark that applied at the time the assessment was made by the Minister; and

(b) in relation to regulations covered by paragraph (1)(b)—the applicable pass mark and the applicable pool mark that applied at the time the decision is made by the Tribunal about the assessment.

351 Minister may substitute more favourable decision

(1) If the Minister thinks that it is in the public interest to do so, the Minister may substitute for a decision of the Tribunal under section 349 another decision, being a decision that is more favourable to the applicant, whether or not the Tribunal had the power to make that other decision.

(2) In exercising the power under subsection (1), the Minister is not bound by Subdivision AA or AC of Division 3 of Part 2 or by the regulations, but is bound by all other provisions of this Act.

(3) The power under subsection (1) may only be exercised by the Minister personally.

(4) If the Minister substitutes a decision under subsection (1), he or she is to cause to be laid before each House of the Parliament a statement that:

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(a) sets out the decision of the Tribunal; and
(b) sets out the decision substituted by the Minister; and
(c) sets out the reasons for the Minister's decision, referring in particular to the Minister's reasons for thinking that his or her actions are in the public interest.

(5) A statement made under subsection (4) is not to include:
(a) the name of the applicant; or
(b) if the Minister thinks that it would not be in the public interest to publish the name of another person connected in any way with the matter concerned—the name of that other person.

(6) A statement under subsection (4) is to be laid before each House of the Parliament within 15 sitting days of that House after:
(a) if the decision is made between 1 January and 30 June (inclusive) in a year—1 July in that year; or
(b) if a decision is made between 1 July and 31 December (inclusive) in a year—1 January in the following year.

(7) The Minister does not have a duty to consider whether to exercise the power under subsection (1) in respect of any decision, whether he or she is requested to do so by the applicant or by any other person, or in any other circumstances.

352 Tribunal to notify Secretary of application for review of Part 5-reviewable decisions

(1) If an application for review is made to the Tribunal, the Registrar must, as soon as practicable, give the Secretary written notice of the making of the application.

(2) Subject to subsection (3), the Secretary must, within 10 working days after being notified of the application, give to the Registrar the prescribed number of copies of a statement about the decision under review that:
(a) sets out the findings of fact made by the person who made the decision; and

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(b) refers to the evidence on which those findings were based; and

(c) gives the reasons for the decision.

(3) If the application is for review of a decision covered by subsection 338(4) (certain bridging visa decisions), the Secretary must comply with the requirements of subsection (2) within 2 working days after being notified of the application.

(4) The Secretary must, as soon as is practicable after being notified of the application, give to the Registrar each other document, or part of a document, that is in the Secretary's possession or control and is considered by the Secretary to be relevant to the review of the decision.

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Division 4—Part 5-reviewable decisions: Tribunal powers

353 Tribunal's way of operating

The Tribunal, in reviewing a Part 5-reviewable decision:

(a) is not bound by technicalities, legal forms or rules of evidence; and

(b) shall act according to substantial justice and the merits of the case.

353B Guidance decisions

(1) The President of the Tribunal, or the head of the Migration and Refugee Division of the Tribunal, may, in writing, direct that a decision (the ***guidance decision***) of the Tribunal, or of the former Migration Review Tribunal, specified in the direction is to be complied with by the Tribunal in reaching a decision on a review of a Part 5-reviewable decision of a kind specified in the direction.

(2) In reaching a decision on a review of a decision of that kind, the Tribunal must comply with the guidance decision unless the Tribunal is satisfied that the facts or circumstances of the decision under review are clearly distinguishable from the facts or circumstances of the guidance decision.

(3) However, non-compliance by the Tribunal with a guidance decision does not mean that the Tribunal's decision on a review is an invalid decision.

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Division 5—Part 5-reviewable decisions: conduct of review

357A Exhaustive statement of natural justice hearing rule

(1) This Division is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the matters it deals with.

(2) Sections 375, 375A and 376 and Division 8A, in so far as they relate to this Division, are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the matters they deal with.

(3) In applying this Division, the Tribunal must act in a way that is fair and just.

358 Documents to be given to the Tribunal

(1) An applicant for review by the Tribunal may give the Tribunal:
  (a) a written statement in relation to any matter of fact that the applicant wishes the Tribunal to consider; and
  (b) written arguments relating to the issues arising in relation to the decision under review.

(2) The Secretary may give the Tribunal written argument relating to the issues arising in relation to the decision under review.

359 Tribunal may seek information

(1) In conducting the review, the Tribunal may get any information that it considers relevant. However, if the Tribunal gets such information, the Tribunal must have regard to that information in making the decision on the review.

(2) Without limiting subsection (1), the Tribunal may invite, either orally (including by telephone) or in writing, a person to give information.

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(3) If a written invitation under subsection (2) is given to a person other than the Secretary, the invitation must be given:
  (a) except where paragraph (b) applies—by one of the methods specified in section 379A; or
  (b) if the invitation is given to a person in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

(4) If an invitation is given to the Secretary, the invitation must be given by one of the methods specified in section 379B.

359AA Information and invitation given orally by Tribunal while applicant appearing

(1) If an applicant is appearing before the Tribunal because of an invitation under section 360:
  (a) the Tribunal may orally give to the applicant clear particulars of any information that the Tribunal considers would be the reason, or a part of the reason, for affirming the decision that is under review; and
  (b) if the Tribunal does so—the Tribunal must:
    (i) ensure, as far as is reasonably practicable, that the applicant understands why the information is relevant to the review, and the consequences of the information being relied on in affirming the decision that is under review; and
    (ii) orally invite the applicant to comment on or respond to the information; and
    (iii) advise the applicant that he or she may seek additional time to comment on or respond to the information; and
    (iv) if the applicant seeks additional time to comment on or respond to the information—adjourn the review, if the Tribunal considers that the applicant reasonably needs additional time to comment on or respond to the information.

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(2) A reference in this section to affirming a decision that is under review does not include a reference to the affirmation of a decision that is taken to be affirmed under subsection 362B(1F).

359A Information and invitation given in writing by Tribunal

(1) Subject to subsections (2) and (3), the Tribunal must:
  (a) give to the applicant, in the way that the Tribunal considers appropriate in the circumstances, clear particulars of any information that the Tribunal considers would be the reason, or a part of the reason, for affirming the decision that is under review; and
  (b) ensure, as far as is reasonably practicable, that the applicant understands why it is relevant to the review, and the consequences of it being relied on in affirming the decision that is under review; and
  (c) invite the applicant to comment on or respond to it.

(2) The information and invitation must be given to the applicant:
  (a) except where paragraph (b) applies—by one of the methods specified in section 379A; or
  (b) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

(3) The Tribunal is not obliged under this section to give particulars of information to an applicant, nor invite the applicant to comment on or respond to the information, if the Tribunal gives clear particulars of the information to the applicant, and invites the applicant to comment on or respond to the information, under section 359AA.

(4) This section does not apply to information:
  (a) that is not specifically about the applicant or another person and is just about a class of persons of which the applicant or other person is a member; or
  (b) that the applicant gave for the purpose of the application for review; or

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(ba) that the applicant gave during the process that led to the decision that is under review, other than such information that was provided orally by the applicant to the Department; or

(c) that is non-disclosable information.

(5) A reference in this section to affirming a decision that is under review does not include a reference to the affirmation of a decision that is taken to be affirmed under subsection 362B(1F).

359B Requirements for written invitation etc.

(1) If a person is:

(a) invited in writing under section 359 to give information; or

(b) invited under section 359A to comment on or respond to information;

the invitation is to specify the way in which the information, or the comments or the response, may be given, being the way the Tribunal considers is appropriate in the circumstances.

(2) If the invitation is to give information, or comments or a response, otherwise than at an interview, the information, or the comments or the response, are to be given within a period specified in the invitation, being a prescribed period or, if no period is prescribed, a reasonable period.

(3) If the invitation is to give information, or comments or a response, at an interview, the interview is to take place:

(a) at the place specified in the invitation; and

(b) at a time specified in the invitation, being a time within a prescribed period or, if no period is prescribed, a reasonable period.

(4) If a person is to respond to an invitation within a prescribed period, the Tribunal may extend that period for a prescribed further period, and then the response is to be made within the extended period.

(5) If a person is to respond to an invitation at an interview at a time within a prescribed period, the Tribunal may change that time to:

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(a) a later time within that period; or
(b) a time within that period as extended by the Tribunal for a prescribed further period;

and then the response is to be made at an interview at the new time.

359C Failure to give information, comments or response in response to written invitation

(1) If a person:
(a) is invited in writing under section 359 to give information; and
(b) does not give the information before the time for giving it has passed;

the Tribunal may make a decision on the review without taking any further action to obtain the information.

(2) If the applicant:
(a) is invited under section 359A to comment on or respond to information; and
(b) does not give the comments or the response before the time for giving them has passed;

the Tribunal may make a decision on the review without taking any further action to obtain the applicant's views on the information.

360 Tribunal must invite applicant to appear

(1) The Tribunal must invite the applicant to appear before the Tribunal to give evidence and present arguments relating to the issues arising in relation to the decision under review.

(2) Subsection (1) does not apply if:
(a) the Tribunal considers that it should decide the review in the applicant's favour on the basis of the material before it; or
(b) the applicant consents to the Tribunal deciding the review without the applicant appearing before it; or
(c) subsection 359C(1) or (2) applies to the applicant.

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(3) If any of the paragraphs in subsection (2) of this section apply, the applicant is not entitled to appear before the Tribunal.

360A Notice of invitation to appear

(1) If the applicant is invited to appear before the Tribunal, the Tribunal must give the applicant notice of the day on which, and the time and place at which, the applicant is scheduled to appear.

(2) The notice must be given to the applicant:
  (a) except where paragraph (b) applies—by one of the methods specified in section 379A; or
  (b) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

(4) The period of notice given must be at least the prescribed period or, if no period is prescribed, a reasonable period.

(5) The notice must contain a statement of the effect of section 362B.

361 Applicant may request Tribunal to call witness and obtain written material

(1) In the notice under section 360A, the Tribunal shall notify the applicant:
  (a) that he or she is invited to appear before the Tribunal to give evidence and present arguments relating to the issues arising in relation to the decision under review; and
  (b) of the effect of subsections (2) and (2A) of this section.

(2) The applicant may, within 7 days after being notified under subsection (1), give the Tribunal written notice that the applicant wants the Tribunal to obtain oral evidence from a person or persons named in the notice.

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(2A) The applicant may, within 7 days after being notified under subsection (1), give the Tribunal written notice that the applicant wants the Tribunal to obtain:

(a) written evidence from a person or persons named in the notice; or

(b) other written material relating to the issues arising in relation to the decision under review.

(3) If the Tribunal is notified by an applicant under subsection (2) or (2A), the Tribunal must have regard to the applicant's notice but is not required to comply with it.

(4) This section does not apply to the review of a decision covered by subsection 338(4) (certain bridging visa decisions).

362 Certain bridging visa decisions—request to call witnesses

(1) This section applies to the review of a decision covered by subsection 338(4) if:

(a) the applicant, in a request in the approved form that accompanied the application, requested the Tribunal to:

(i) give the applicant the opportunity to appear before it; or

(ii) obtain oral evidence from a specified person or persons; and

(b) the applicant has been invited to appear before the Tribunal in relation to the decision under review.

(2) If this section applies, the Tribunal:

(a) must have regard to the applicant's request; but

(b) is not required to obtain evidence (oral or otherwise) from a person named in the applicant's request.

(3) To avoid doubt, nothing in this Division requires the Tribunal to adjourn the review or to delay making a decision so that:

(a) the applicant may give evidence (oral or otherwise); or

(b) the Tribunal may obtain evidence (oral or otherwise) from any other person.

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362A Applicant entitled to have access to written material before Tribunal

(1) Subject to subsections (2) and (3) of this section and sections 375A and 376, the applicant, and any assistant under section 366A, are entitled to have access to any written material, or a copy of any written material, given or produced to the Tribunal for the purposes of the review.

(2) This section does not override any requirements of the *Privacy Act 1988*. In particular, this section is not to be taken, for the purposes of that Act, to require or authorise the disclosure of information.

(3) This section does not apply if the Tribunal has given the applicant a copy of the statement required by subsection 368(1).

362B Failure of applicant to appear before Tribunal

Scope

(1) This section applies if the applicant:
  (a) is invited under section 360 to appear before the Tribunal; but
  (b) does not appear before the Tribunal on the day on which, or at the time and place at which, the applicant is scheduled to appear.

Tribunal may make a decision on the review or dismiss proceedings

(1A) The Tribunal may:
  (a) by written statement under section 368, make a decision on the review without taking any further action to allow or enable the applicant to appear before it; or
  (b) by written statement under section 362C, dismiss the application without any further consideration of the application or information before the Tribunal.

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Note 1: Under section 368A, the Tribunal must notify the applicant of a decision on the review.

Note 2: Under section 362C, the Tribunal must notify the applicant of a decision to dismiss the application.

Reinstatement of application or confirmation of dismissal

(1B) If the Tribunal dismisses the application, the applicant may, within 14 days after receiving notice of the decision under section 362C, apply to the Tribunal for reinstatement of the application.

Note: Section 379C sets out when a person (other than the Secretary) is taken to have received a document from the Tribunal for the purposes of this Part.

(1C) On application for reinstatement in accordance with subsection (1B), the Tribunal must:

(a) if it considers it appropriate to do so—reinstate the application, and give such directions as it considers appropriate in the circumstances, by written statement under section 362C; or

(b) confirm the decision to dismiss the application, by written statement under section 368.

Note 1: Under section 362C, the Tribunal must notify the applicant of a decision to reinstate the application.

Note 2: Under section 368A, the Tribunal must notify the applicant of a decision to confirm the dismissal of the application.

(1D) If the Tribunal reinstates the application:

(a) the application is taken never to have been dismissed; and

(b) the Tribunal must conduct (or continue to conduct) the review accordingly.

(1E) If the applicant fails to apply for reinstatement within the 14-day period mentioned in subsection (1B), the Tribunal must confirm the decision to dismiss the application, by written statement under section 368.

Note: Under section 368A, the Tribunal must notify the applicant of a decision to confirm the dismissal of the application.

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(1F) If the Tribunal confirms the decision to dismiss the application, the decision under review is taken to be affirmed.

(1G) To avoid doubt, the Tribunal cannot give a decision orally under subsection (1A), (1C) or (1E).

Other measures to deal with failure of applicant to appear

(2) This section does not prevent the Tribunal from rescheduling the applicant's appearance before it, or from delaying its decision on the review in order to enable the applicant's appearance before it as rescheduled.

362C Failure to appear—Tribunal's decisions, written statements and notifying the applicant

Decisions to which this section applies

(1) This section applies in relation to the following decisions (each of which is a ***non-appearance decision***):

(a) a decision to dismiss an application under paragraph 362B(1A)(b);

(b) a decision to reinstate an application under paragraph 362B(1C)(a) and to give directions (if any) under that paragraph.

Note: For similar provisions applying to a decision to confirm the dismissal of an application under section 362B, see sections 368 and 368A.

Written statement of decision

(2) If the Tribunal makes a non-appearance decision, the Tribunal must make a written statement that:

(a) sets out the decision; and

(b) sets out the reasons for the decision; and

(c) in the case of a decision to reinstate an application:

(i) sets out the findings on any material questions of fact; and

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(ii) refers to the evidence or any other material on which the findings of fact were based; and

(d) records the day and time the statement is made.

(3) A non-appearance decision is taken to have been made:

(a) by the making of the written statement; and

(b) on the day, and at the time, the written statement is made.

(4) The Tribunal has no power to vary or revoke a non-appearance decision after the day and time the written statement is made.

Note: However, if the application is reinstated, the application is taken never to have been dismissed (see subsection 362B(1D)).

Notice to applicant

(5) The Tribunal must notify the applicant of a non-appearance decision by giving the applicant a copy of the written statement made under subsection (2). The copy must be given to the applicant:

(a) within 14 days after the day on which the decision is taken to have been made; and

(b) by one of the methods specified in section 379A.

(6) In the case of a decision to dismiss the application, the copy of the statement must be given to the applicant together with a statement describing the effect of subsections 362B(1B) to (1F).

Notice to Secretary

(7) A copy of the written statement made under subsection (2) must also be given to the Secretary:

(a) within 14 days after the day on which the decision is taken to have been made; and

(b) by one of the methods specified in section 379B.

Validity etc. not affected by procedural irregularities

(8) The validity of a non-appearance decision, and the operation of subsection (4), are not affected by:

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(a) a failure to record, under paragraph (2)(d), the day and time when the written statement was made; or
(b) a failure to comply with subsection (5), (6) or (7).

363 Powers of the Tribunal etc.

(1) For the purpose of the review of a decision, the Tribunal may:
(a) take evidence on oath or affirmation;
(b) adjourn the review from time to time;
(c) subject to section 378, give information to the applicant and to the Secretary; or
(d) require the Secretary to arrange for the making of any investigation, or any medical examination, that the Tribunal thinks necessary with respect to the review, and to give to the Tribunal a report of that investigation or examination.

(2) The Tribunal may combine the reviews of 2 or more Part 5-reviewable decisions made in respect of the same person.

(3) Subject to subsection (4), the Tribunal may, for the purposes of a review:
(a) summon a person to appear before the Tribunal to give evidence;
(b) summon a person to produce to the Tribunal the documents or things referred to in the summons;
(c) require a person appearing before the Tribunal to give evidence either to take an oath or to make an affirmation; and
(d) administer an oath or affirmation to a person so appearing.

(4) The Tribunal must not, for the purposes of a review that is being conducted in Australia, summon a person under paragraph (3)(a) or (b) unless the person is in Australia.

363A Tribunal does not have power to permit a person to do something he or she is not entitled to do

If a provision of this Part states that a person is not entitled to do something, or to be assisted or represented by another person, then,

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unless a provision expressly provides otherwise, the Tribunal does not have power to permit the person to do that thing, or to be assisted or represented by another person.

364 Tribunal's power to take evidence

(1) The power (the ***evidence power***) of the Tribunal under paragraph 363(1)(a) to take evidence on oath or affirmation in a particular review may be exercised on behalf of the Tribunal by:
  (a) a member conducting the review; or
  (b) another person (whether or not a member) authorised in writing by that member.

(2) The evidence power may be exercised:
  (a) inside or outside Australia; and
  (b) subject to any limitations or requirements specified by the Tribunal.

(3) If a person other than a member conducting the review has the evidence power:
  (a) the person has, for the purpose of taking the evidence, the powers of the Tribunal under subsection 363(1) and paragraphs 363(3)(c) and (d); and
  (b) this Part applies in relation to the person, for the purpose of taking the evidence in the exercise of those powers, as if the person were the Tribunal; and
  (c) the person must cause a record of any evidence taken to be made and sent to the member who authorised the person to exercise the evidence power; and
  (d) for the purposes of section 360, if that member receives the record of evidence, the Tribunal is taken to have given the applicant an opportunity to appear before it to give evidence.

365 Review to be in public

(1) Subject to this section, any oral evidence that the Tribunal takes while a person is appearing before it must be taken in public.

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(2) Where the Tribunal is satisfied that it is in the public interest to do so, the Tribunal may direct that particular oral evidence, or oral evidence for the purposes of a particular review, is to be taken in private.

(3) If the Tribunal is satisfied that it is impracticable to take particular oral evidence in public, the Tribunal may direct that the evidence is to be taken in private.

(4) Where the Tribunal gives a direction under subsection (2) or (3), it may give directions as to the persons who may be present when the oral evidence is given.

366 Oral evidence by telephone etc.

(1) For the purposes of the review of a decision, the Tribunal may allow an appearance by the applicant before the Tribunal, or the giving of evidence by the applicant or any other person, to be by:
  (a) telephone; or
  (b) closed-circuit television; or
  (c) any other means of communication.

(2) If, when a review is in public, a person appears or gives evidence by a means allowed under subsection (1), the Tribunal must take such steps as are reasonably necessary to ensure the public nature of the review is preserved.

366A Applicant may be assisted by another person while appearing before Tribunal

(1) The applicant is entitled, while appearing before the Tribunal, to have another person (the ***assistant***) present to assist him or her.

(2) The assistant is not entitled to present arguments to the Tribunal, or to address the Tribunal, unless the Tribunal is satisfied that, because of exceptional circumstances, the assistant should be allowed to do so.

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(3) Except as provided in this section, the applicant is not entitled, while appearing before the Tribunal, to be represented by another person.

(4) This section does not affect the entitlement of the applicant to engage a person to assist or represent him or her otherwise than while appearing before the Tribunal.

366B Other persons not to be assisted or represented while appearing before Tribunal

(1) A person, other than the applicant, is not entitled, while appearing before the Tribunal, to:

(a) have another person present to assist him or her; or

(b) be represented by another person.

(2) This section does not affect the entitlement of the person to engage a person to assist or represent him or her otherwise than while appearing before the Tribunal.

366C Interpreters

(1) A person appearing before the Tribunal to give evidence may request the Tribunal to appoint an interpreter for the purposes of communication between the Tribunal and the person.

(2) The Tribunal must comply with a request made by a person under subsection (1) unless it considers that the person is sufficiently proficient in English.

(3) If the Tribunal considers that a person appearing before it to give evidence is not sufficiently proficient in English, the Tribunal must appoint an interpreter for the purposes of communication between the Tribunal and the person, even though the person has not made a request under subsection (1).

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366D Examination and cross-examination not permitted

A person is not entitled to examine or cross-examine any person appearing before the Tribunal to give evidence.

367 Certain bridging visa decisions—to be made within prescribed period

(1) Subject to subsection (2), if the application is for review of a decision covered by subsection 338(4) (certain bridging visa decisions), the Tribunal must make its decision on review, and notify the applicant of the decision, within the prescribed period.

(2) The Tribunal may, with the agreement of the applicant, extend the period in subsection (1) for the purposes of a particular application.

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Division 6—Part 5-reviewable decisions: Tribunal decisions

368 Tribunal's decision and written statement

Written statement of decision

(1) Where the Tribunal makes its decision on a review (other than an oral decision), the Tribunal must, subject to paragraphs 375A(2)(b) and 376(3)(b), make a written statement that:

(a) sets out the decision of the Tribunal on the review; and

(b) sets out the reasons for the decision; and

(c) sets out the findings on any material questions of fact; and

(d) refers to the evidence or any other material on which the findings of fact were based; and

(e) in the case of a decision under paragraph 362B(1C)(b) or subsection 362B(1E) to confirm the dismissal of an application—indicates that under subsection 362B(1F), the decision under review is taken to be affirmed; and

(f) records the day and time the statement is made.

Note: Decisions on a review made under paragraph 362B(1A)(a) or (1C)(b), or under subsection 362B(1E), must be made by a written statement under this section. They cannot be given orally. These decisions may be made following the failure of an applicant to appear before the Tribunal.

How and when written decisions are taken to be made

(2) A decision on a review (other than an oral decision) is taken to have been made:

(a) by the making of the written statement; and

(b) on the day, and at the time, the written statement is made.

Note: For oral decisions, see section 368D.

(2A) The Tribunal has no power to vary or revoke a decision to which subsection (2) applies after the day and time the written statement is made.

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Return of documents etc.

(3) After the Tribunal makes the written statement, the Tribunal must:
  (a) return to the Secretary any document that the Secretary has provided in relation to the review; and
  (b) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact were based.

Validity etc. not affected by procedural irregularities

(4) The validity of a decision on a review, and the operation of subsection (2A), are not affected by:
  (a) a failure to record, under paragraph (1)(f), the day and time when the written statement was made; or
  (b) a failure to comply with subsection (3).

368A Notifying parties of Tribunal's decision (decision not given orally)

(1) The Tribunal must notify the applicant of a decision on a review (other than an oral decision) by giving the applicant a copy of the written statement prepared under subsection 368(1). The copy must be given to the applicant:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 379A.

(2) A copy of that statement must also be given to the Secretary:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 379B.

(3) A failure to comply with this section in relation to a decision on a review does not affect the validity of the decision.

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368D Tribunal's decisions given orally

How and when oral decisions are taken to have been made

(1) A decision on a review that is given orally by the Tribunal is taken to have been made, and notified to the applicant for the review, on the day and at the time the decision is given orally.

Statement in relation to oral decision

(2) If a decision on a review is given orally, the Tribunal must:
  (a) make an oral statement that:
    (i) describes the decision of the Tribunal on the review; and
    (ii) describes the reasons for the decision; and
    (iii) describes the findings on any material questions of fact; and
    (iv) refers to the evidence or any other material on which the findings of fact were based; and
    (v) identifies the day and time the decision is given orally; or
  (b) make a written statement that:
    (i) sets out the decision of the Tribunal on the review; and
    (ii) sets out the reasons for the decision; and
    (iii) sets out the findings on any material questions of fact; and
    (iv) refers to the evidence or any other material on which the findings of fact were based; and
    (v) records the day and time the decision is given orally.

(3) The Tribunal has no power to vary or revoke the decision after the day and time the decision is given orally.

Written statement to be provided on request of applicant

(4) If the Tribunal makes an oral statement under paragraph (2)(a) and, within the period prescribed by regulation, the applicant makes a

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written request for the statement to be provided in writing, the Tribunal must:

(a) reduce the oral statement to writing; and

(b) within 14 days after the day the request is received by the Tribunal, give a copy of the written statement:

(i) to the applicant by one of the methods specified in section 379A; and

(ii) to the Secretary by one of the methods specified in section 379B.

Written statement to be provided on request of Minister

(5) If the Tribunal makes an oral statement under paragraph (2)(a) and, at any time after the oral statement is made, the Minister makes a written request for the oral statement to be provided in writing, the Tribunal must:

(a) reduce the oral statement to writing; and

(b) within 14 days after the day the request is received by the Tribunal, give a copy of the written statement:

(i) to the Secretary by one of the methods specified in section 379B; and

(ii) to the applicant by one of the methods specified in section 379A.

Return of documents etc.

(6) After the Tribunal makes a statement under subsection (2), the Tribunal must:

(a) return to the Secretary any document that the Secretary has provided in relation to the review; and

(b) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact were based.

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Validity etc. not affected by procedural irregularities

(7) The validity of a decision on a review, and the operation of subsection (3), are not affected by:

(a) a failure to identify or record, under subsection (2), the day and time when the decision was given orally; or

(b) a failure to comply with subsection (4), (5) or (6).

Note: Decisions on a review made under paragraph 362B(1A)(a) or (1C)(b), or under subsection 362B(1E), must be made by a written statement under section 368. They cannot be given orally. These decisions may be made following the failure of an applicant to appear before the Tribunal.

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Division 7—Part 5-reviewable decisions: offences

370 Failure to comply with summons

(1) A person commits an offence if:
  (a) the person is given a summons under section 363; and
  (b) the person fails to comply with the summons.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

(2) Subsection (1) does not apply if complying with the summons might tend to incriminate the person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

371 Refusal to be sworn or to answer questions

Oath or affirmation

(1) A person commits an offence if:
  (a) the person appears as a witness before the Tribunal for the purposes of a proceeding under this Part; and
  (b) the person has been required under section 363 either to take an oath or to make an affirmation; and
  (c) the person fails to comply with the requirement.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

Questions

(2) A person commits an offence if:
  (a) the person appears as a witness before the Tribunal for the purposes of a proceeding under this Part; and
  (b) the Tribunal has required the person to answer a question for the purposes of the proceeding; and
  (c) the person fails to answer the question.

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Penalty: Imprisonment for 12 months or 60 penalty units, or both.

(3) Subsection (2) does not apply if answering the question might tend to incriminate the person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the Criminal Code).

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Division 8—Part 5-reviewable decisions: miscellaneous

375 Restrictions on disclosure of certain information etc.

In spite of anything else in this Act, the Secretary shall not give to the Tribunal a document, or information, if the Minister certifies, in writing, that the disclosure of any matter contained in the document, or the disclosure of the information, would be contrary to the public interest:

(a) because it would prejudice the security, defence or international relations of Australia; or

(b) because it would involve the disclosure of deliberations or decisions of the Cabinet or of a committee of the Cabinet.

375A Certain information only to be disclosed to Tribunal

(1) This section applies to a document or information if the Minister:

(a) has certified, in writing, that the disclosure, otherwise than to the Tribunal, of any matter contained in the document, or of the information, would be contrary to the public interest for any reason specified in the certificate (other than a reason set out in paragraph 375(a) or (b)); and

(b) has included in the certificate a statement that the document or information must only be disclosed to the Tribunal.

(2) If, pursuant to a requirement of or under this Act, the Secretary gives to the Tribunal a document or information to which this section applies:

(a) the Secretary must notify the Tribunal in writing that this section applies to the document or information; and

(b) the Tribunal must do all things necessary to ensure that the document or information is not disclosed to any person other than a member of the Tribunal as constituted for the purposes of the particular review.

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376 Tribunal's discretion in relation to disclosure of certain information etc.

(1) This section applies to a document or information if:

(a) the Minister:

(i) has certified, in writing, that the disclosure of any matter contained in the document, or of the information, would be contrary to the public interest for any reason specified in the certificate (other than a reason set out in paragraph 375(a) or (b)) that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the matter contained in the document, or the information, should not be disclosed; and

(ii) has not included a statement in the certificate that the document or information must only be disclosed to the Tribunal; or

(b) the document, the matter contained in the document, or the information was given to the Minister, or to an officer of the Department, in confidence and section 375A does not apply to the document or information.

(2) Where, pursuant to a requirement of or under this Act, the Secretary gives to the Tribunal a document or information to which this section applies, the Secretary:

(a) shall notify the Tribunal in writing that this section applies in relation to the document or information; and

(b) may give the Tribunal any written advice that the Secretary thinks relevant about the significance of the document or information.

(3) Where the Tribunal is given a document or information and is notified that this section applies in relation to it, the Tribunal:

(a) may, for the purpose of the exercise of its powers, have regard to any matter contained in the document, or to the information; and

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(b) may, if the Tribunal thinks it appropriate to do so having regard to any advice given by the Secretary pursuant to subsection (2), disclose any matter contained in the document, or the information, to the applicant or to any other person who has given oral or written evidence to the Tribunal.

378 Tribunal may restrict publication of certain matters

(1) Where the Tribunal is satisfied, in relation to a review, that it is in the public interest that:

(a) any evidence given before the Tribunal;

(b) any information given to the Tribunal; or

(c) the contents of any document produced to the Tribunal;

should not be published, or should not be published except in a particular manner and to particular persons, the Tribunal may give a written direction accordingly.

(2) Where the Tribunal has given a direction under subsection (1) in relation to the publication of any evidence or information or of the contents of a document, the direction does not:

(a) excuse the Tribunal from its obligations under section 368; or

(b) prevent a person from communicating to another person a matter contained in the evidence, information or document if the first-mentioned person has knowledge of the matter otherwise than because of the evidence or the information having been given or the document having been produced to the Tribunal.

(3) A person shall not contravene a direction given by the Tribunal under subsection (1) that is applicable to the person.

Penalty: Imprisonment for 2 years.

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Division 8A—Part 5-reviewable decisions: giving and receiving documents

379AA Giving documents by Tribunal where no requirement to do so by section 379A or 379B method

(1) If:

(a) a provision of this Act or the regulations requires or permits the Tribunal to give a document to a person; and

(b) the provision does not state that the document must be given:

(i) by one of the methods specified in section 379A or 379B; or

(ii) by a method prescribed for the purposes of giving documents to a person in immigration detention;

the Tribunal may give the document to the person by any method that it considers appropriate (which may be one of the methods mentioned in subparagraph (b)(i) or (ii) of this section).

Note 1: If 2 or more persons apply for a review of a decision together, a document given to a person is taken to be given to each of them, see section 379EA.

Note 2: Under section 379G an applicant may give the Tribunal the name of an authorised recipient who is to receive documents on the applicant's behalf.

(2) If a person is a minor, the Tribunal may give a document to an individual who is at least 18 years of age if a member or an officer of the Tribunal reasonably believes that:

(a) the individual has day-to-day care and responsibility for the minor; or

(b) the individual works in or for an organisation that has day-to-day care and responsibility for the minor and the individual's duties, whether alone or jointly with another person, involve care and responsibility for the minor.

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(2A) However, subsection (2) does not apply if section 379EA (which relates to giving documents in the case of combined applications) applies in relation to the minor.

(3) If the Tribunal gives a document to an individual, as mentioned in subsection (2), the Tribunal is taken to have given the document to the minor. However, this does not prevent the Tribunal giving the minor a copy of the document.

379A Methods by which Tribunal gives documents to a person other than the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:
(a) require or permit the Tribunal to give a document to a person (the ***recipient***); and
(b) state that the Tribunal must do so by one of the methods specified in this section;
the methods are as follows.

(1A) If a person is a minor, the Tribunal may use the methods mentioned in subsections (4) and (5) to dispatch or transmit, as the case may be, a document to an individual (a ***carer of the minor***):
(a) who is at least 18 years of age; and
(b) who a member or an officer of the Tribunal reasonably believes:
(i) has day-to-day care and responsibility for the minor; or
(ii) works in an or for organisation that has day-to-day care and responsibility for the minor and whose duties, whether alone or jointly with another person, involve care and responsibility for the minor.

Note: If the Tribunal gives an individual a document by the method mentioned in subsection (4) or (5), the individual is taken to have received the document at the time specified in section 379C in respect of that method.

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(1B) However, subsection (1A) does not apply if section 379EA (which relates to giving documents in the case of combined applications) applies in relation to the minor.

Giving by hand

(2) One method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to the recipient.

Handing to a person at last residential or business address

(3) Another method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to another person who:

(a) is at the last residential or business address provided to the Tribunal by the recipient in connection with the review; and

(b) appears to live there (in the case of a residential address) or work there (in the case of a business address); and

(c) appears to be at least 16 years of age.

Dispatch by prepaid post or by other prepaid means

(4) Another method consists of a member or an officer of the Tribunal dating the document, and then dispatching it:

(a) within 3 working days (in the place of dispatch) of the date of the document; and

(b) by prepaid post or by other prepaid means; and

(c) to:

(i) the last address for service provided to the Tribunal by the recipient in connection with the review; or

(ii) the last residential or business address provided to the Tribunal by the recipient in connection with the review; or

(iii) if the recipient is a minor—the last address for a carer of the minor that is known by the member or officer.

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Transmission by fax, email or other electronic means

(5) Another method consists of a member or an officer of the Tribunal transmitting the document by:

(a) fax; or

(b) email; or

(c) other electronic means;

to:

(d) the last fax number, email address or other electronic address, as the case may be, provided to the Tribunal by the recipient in connection with the review; or

(e) if the recipient is a minor—the last fax number, email address or other electronic address, as the case may be, for a carer of the minor that is known by the member or officer.

Documents given to a carer

(6) If the Tribunal gives a document to a carer of a minor, the Tribunal is taken to have given the document to the minor. However, this does not prevent the Tribunal giving the minor a copy of the document.

379B Methods by which Tribunal gives documents to the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:

(a) require or permit the Tribunal to give a document to the Secretary; and

(b) state that the Tribunal must do so by one of the methods specified in this section;

the methods are as follows.

Giving by hand

(2) One method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to the Secretary or to an authorised officer.

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Dispatch by post or by other means

(3) Another method consists of a member or an officer of the Tribunal dating the document, and then dispatching it:

(a) within 3 working days (in the place of dispatch) of the date of the document; and

(b) by post or by other means; and

(c) to an address, notified to the Tribunal in writing by the Secretary, to which such documents can be dispatched.

Transmission by fax, email or other electronic means

(4) Another method consists of a member or an officer of the Tribunal transmitting the document by:

(a) fax; or

(b) email; or

(c) other electronic means;

to the last fax number, email address or other electronic address notified to the Tribunal in writing by the Secretary for the purpose.

379C When a person other than the Secretary is taken to have received a document from the Tribunal

(1) This section applies if the Tribunal gives a document to a person other than the Secretary by one of the methods specified in section 379A (including in a case covered by section 379AA).

Giving by hand

(2) If the Tribunal gives a document to a person by the method in subsection 379A(2) (which involves handing the document to the person), the person is taken to have received the document when it is handed to the person.

Handing to a person at last residential or business address

(3) If the Tribunal gives a document to a person by the method in subsection 379A(3) (which involves handing the document to

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another person at a residential or business address), the person is taken to have received the document when it is handed to the other person.

Dispatch by prepaid post or by other prepaid means

(4) If the Tribunal gives a document to a person by the method in subsection 379A(4) (which involves dispatching the document by prepaid post or by other prepaid means), the person is taken to have received the document:

(a) if the document was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the document; or

(b) in any other case—21 days after the date of the document.

Transmission by fax, email or other electronic means

(5) If the Tribunal gives a document to a person by the method in subsection 379A(5) (which involves transmitting the document by fax, email or other electronic means), the person is taken to have received the document at the end of the day on which the document is transmitted.

Document not given effectively

(7) If:

(a) the Tribunal purports to give a document to a person in accordance with a method specified in section 379A (including in a case covered by section 379AA) but makes an error in doing so; and

(b) the person nonetheless receives the document or a copy of it;

then the person is taken to have received the document at the times mentioned in this section as if the Tribunal had given the document to the person without making an error in doing so, unless the person can show that he or she received it at a later time, in which case, the person is taken to have received it at that time.

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379D When the Secretary is taken to have received a document from the Tribunal

(1) This section applies if the Tribunal gives a document to the Secretary by one of the methods specified in section 379B (including in a case covered by section 379AA).

Giving by hand

(2) If the Tribunal gives a document to the Secretary by the method in subsection 379B(2) (which involves handing the document to the Secretary or to an authorised officer), the Secretary is taken to have received the document when it is handed to the Secretary or to the authorised officer.

Dispatch by post or by other means

(3) If the Tribunal gives a document to the Secretary by the method in subsection 379B(3) (which involves dispatching the document by post or by other means), the Secretary is taken to have received the document:

(a) if the document was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the document; or

(b) in any other case—21 days after the date of the document.

Transmission by fax, email or other electronic means

(4) If the Tribunal gives a document to the Secretary by the method in subsection 379B(4) (which involves transmitting the document by fax, email or other electronic means), the Secretary is taken to have received the document at the end of the day on which the document is transmitted.

379EA Giving documents by Tribunal—combined applications

If 2 or more persons apply for a review of a decision together, documents given to any of them in connection with the review are taken to be given to each of them.

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Note 1: If the Tribunal gives a person a document by a method specified in section 379A, the person is taken to have received the document at the time specified in section 379C in respect of that method.

Note 2: Section 379G deals with giving documents to a person's authorised recipient.

379F Giving documents etc. to the Tribunal

If, in relation to the review of a Part 5-reviewable decision, a person is required or permitted to give a document or thing to the Tribunal, the person must do so:

(a) by giving the document or thing to an officer of the Tribunal; or

(b) by a method set out in directions under section 18B of the *Administrative Appeals Tribunal Act 1975*; or

(c) if the regulations set out a method for doing so—by that method.

379G Authorised recipient

(1) If:

(a) a person (the ***applicant***) applies for review of a Part 5-reviewable decision; and

(b) the applicant gives the Tribunal written notice of the name and address of another person (the ***authorised recipient***) authorised by the applicant to receive documents in connection with the review;

the Tribunal must give the authorised recipient, instead of the applicant, any document that it would otherwise have given to the applicant.

Note: If the Tribunal gives a person a document by a method specified in section 379A, the person is taken to have received the document at the time specified in section 379C in respect of that method.

(1A) For the purposes of subsection (1):

(a) paragraph (1)(a) is taken to also apply to an application for review of a Part 5-reviewable decision where the application is not properly made under section 347; and

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(b) in connection with such an application, paragraph (1)(b) is taken to apply to a notice of a kind referred to in that paragraph as if the notice authorised the authorised recipient to receive documents in connection with the application (including a document notifying that recipient that the application is not properly made under that section).

(2) If the Tribunal gives a document to the authorised recipient, the Tribunal is taken to have given the document to the applicant. However, this does not prevent the Tribunal giving the applicant a copy of the document.

(3) Subject to subsection (3A), the applicant (but not the authorised recipient) may vary or withdraw the notice under paragraph (1)(b) at any time, but must not (unless the regulations provide otherwise) vary the notice so that any more than one person becomes the applicant's authorised recipient.

(3A) In addition to the applicant being able to vary the notice under paragraph (1)(b) by varying the address of the authorised recipient, that recipient may also vary that notice by varying that address.

(5) This section does not apply to the Tribunal giving documents to, or communicating with, the applicant when the applicant is appearing before the Tribunal.

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Part 7—Review of Part 7-reviewable decisions

Division 1—Interpretation

408 Simplified outline of this Part

This Part provides for the review of Part 7-reviewable decisions by the Administrative Appeals Tribunal in its Migration and Refugee Division.

Part 7-reviewable decisions relate to the grant or cancellation of protection visas in some circumstances. They do not include decisions in relation to which the Minister has given a conclusive certificate.

Part 5-reviewable decisions (which relate to the grant or cancellation of visas other than protection visas in some circumstances) are reviewable in accordance with Part 5 by the Administrative Appeals Tribunal in its Migration and Refugee Division.

Some other decisions under this Act may be reviewed by the Administrative Appeals Tribunal in its General Division, including the following:

(a) some decisions to cancel business visas;
(b) some decisions relating to migration agents;
(c) some decisions relating to deportation, protection visas and the refusal or cancellation of visas on character grounds.

Fast track reviewable decisions are reviewable by the Immigration Assessment Authority under Part 7AA of this Act. These are decisions to refuse protection visas to some applicants, including unauthorised maritime arrivals who entered Australia on or after 13 August 2012.

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409 Scope of this Part

(1) This Part applies in relation to the review by the Tribunal of Part 7-reviewable decisions (see section 411).

(2) The Tribunal's powers in relation to Part 7-reviewable decisions may be exercised by the Tribunal only in its Migration and Refugee Division.

410 Interpretation

In this Part:

decision on a review means any of the following decisions of the Tribunal in relation to an application for review of a Part 7-reviewable decision:

(a) a decision to affirm the Part 7-reviewable decision;

(b) a decision to vary the Part 7-reviewable decision;

(c) a decision under paragraph 415(2)(c) to remit a matter in relation to the Part 7-reviewable decision for reconsideration;

(d) a decision to set the Part 7-reviewable decision aside and substitute a new decision;

(e) a decision under paragraph 426A(1C)(b) or subsection 426A(1E) to confirm a decision to dismiss the application.

member means a member of the Tribunal.

officer of the Tribunal has the meaning given by the *Administrative Appeals Tribunal Act 1975*.

Part 7-reviewable decision: see section 411.

Registrar means the Registrar of the Tribunal.

Note: "Tribunal" means the Administrative Appeals Tribunal. See the definition in subsection 5(1).

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Division 2—Part 7-reviewable decisions

411 Definition of *Part 7-reviewable decision*

(1) Subject to subsection (2), the following decisions are ***Part 7-reviewable decisions***:

(a) a decision, made before 1 September 1994, that a non-citizen is not a refugee under the Refugees Convention as amended by the Refugees Protocol (other than such a decision made after a review by the Minister of an earlier decision that the person was not such a refugee);

(b) a decision, made before 1 September 1994, to refuse to grant, or to cancel, a visa, or entry permit (within the meaning of this Act as in force immediately before that date), a criterion for which is that the applicant for it is a non-citizen who has been determined to be a refugee under the Refugees Convention as amended by the Refugees Protocol (other than such a decision made under the Migration (Review) (1993) Regulations or under the repealed Part 2A of the Migration (Review) Regulations);

(c) a decision to refuse to grant a protection visa, other than a decision that was made relying on:

(i) subsection 5H(2), or 36(1B) or (1C); or

(iii) paragraph 36(2C)(a) or (b);

(d) a decision to cancel a protection visa, other than a decision that was made because of:

(i) subsection 5H(2) or 36(1C); or

(ii) an assessment by the Australian Security Intelligence Organisation that the holder of the visa is directly or indirectly a risk to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*); or

(iii) paragraph 36(2C)(a) or (b).

(2) The following decisions are not ***Part 7-reviewable decisions***:

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(aa) any decision to cancel a protection visa that is made personally by the Minister;
(a) decisions made in relation to a non-citizen who is not physically present in the migration zone when the decision is made;
(b) decisions in relation to which the Minister has issued a conclusive certificate under subsection (3);
(c) fast track decisions.

(3) The Minister may issue a conclusive certificate in relation to a decision if the Minister believes that:
(a) it would be contrary to the national interest to change the decision; or
(b) it would be contrary to the national interest for the decision to be reviewed.

412 Application for review of Part 7-reviewable decisions

(1) An application for review of a Part 7-reviewable decision must:
(a) be made in the approved form; and
(b) be given to the Tribunal within the period prescribed, being a period ending not later than 28 days after the notification of the decision; and
(c) be accompanied by the prescribed fee (if any).

(2) An application for review may only be made by the non-citizen who is the subject of the primary decision.

(3) An application for review may only be made by a non-citizen who is physically present in the migration zone when the application for review is made.

(4) Regulations made for the purposes of paragraph (1)(b) may specify different periods in relation to different classes of Part 7-reviewable decisions (which may be decisions that relate to non-citizens in a specified place).

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414 Tribunal to review Part 7-reviewable decisions

(1) Subject to subsection (2), if a valid application is made under section 412 for review of a Part 7-reviewable decision, the Tribunal must review the decision.

(2) The Tribunal must not review, or continue to review, a decision in relation to which the Minister has issued a conclusive certificate under subsection 411(3).

415 Tribunal powers on review of Part 7-reviewable decisions

(1) The Tribunal may, for the purposes of the review of a Part 7-reviewable decision, exercise all the powers and discretions that are conferred by this Act on the person who made the decision.

(2) The Tribunal may:
  (a) affirm the decision; or
  (b) vary the decision; or
  (c) if the decision relates to a prescribed matter—remit the matter for reconsideration in accordance with such directions or recommendations of the Tribunal as are permitted by the regulations; or
  (d) set the decision aside and substitute a new decision; or
  (e) if the applicant fails to appear—exercise a power under section 426A in relation to the dismissal or reinstatement of an application.

(3) If the Tribunal:
  (a) varies the decision; or
  (b) sets aside the decision and substitutes a new decision;

the decision as varied or substituted is taken (except for the purpose of appeals from decisions of the Tribunal) to be a decision of the Minister.

(4) To avoid doubt, the Tribunal must not, by varying a decision or setting a decision aside and substituting a new decision, purport to make a decision that is not authorised by the Act or the regulations.

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416 Multiple review applications—consideration of information

Scope

(1) This section applies if:

(a) a non-citizen has made an application (the ***earlier application***) to a review body for review of a decision under this Part; and

(b) the earlier application has been determined by a review body; and

(c) the non-citizen makes a further application, to the Tribunal, for review of a Part 7-reviewable decision.

Review body not required to consider earlier information

(2) The Tribunal, in considering the further application:

(a) is not required to consider any information considered in the earlier application; and

(b) may have regard to, and take to be correct, any decision that a review body has made about or because of that information.

(3) In this section:

review body means:

(a) the former Refugee Review Tribunal; or

(b) the Tribunal.

Note: The Refugee Review Tribunal was abolished from 1 July 2015, and its functions transferred to the Migration and Refugee Division of the Administrative Appeals Tribunal ("the Tribunal").

417 Minister may substitute more favourable decision

(1) If the Minister thinks that it is in the public interest to do so, the Minister may substitute for a decision of the Tribunal under section 415 another decision, being a decision that is more favourable to the applicant, whether or not the Tribunal had the power to make that other decision.

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(2) In exercising the power under subsection (1) on or after 1 September 1994, the Minister is not bound by Subdivision AA or AC of Division 3 of Part 2 or by the regulations, but is bound by all other provisions of this Act.

(3) The power under subsection (1) may only be exercised by the Minister personally.

(4) If the Minister substitutes a decision under subsection (1), he or she must cause to be laid before each House of the Parliament a statement that:

(a) sets out the decision of the Tribunal; and

(b) sets out the decision substituted by the Minister; and

(c) sets out the reasons for the Minister's decision, referring in particular to the Minister's reasons for thinking that his or her actions are in the public interest.

(5) A statement made under subsection (4) is not to include:

(a) the name of the applicant; or

(b) any information that may identify the applicant; or

(c) if the Minister thinks that it would not be in the public interest to publish the name of another person connected in any way with the matter concerned—the name of that other person or any information that may identify that other person.

(6) A statement under subsection (4) is to be laid before each House of the Parliament within 15 sitting days of that House after:

(a) if the decision is made between 1 January and 30 June (inclusive) in a year—1 July in that year; or

(b) if a decision is made between 1 July and 31 December (inclusive) in a year—1 January in the following year.

(7) The Minister does not have a duty to consider whether to exercise the power under subsection (1) in respect of any decision, whether he or she is requested to do so by the applicant or by any other person, or in any other circumstances.

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418 Tribunal to notify Secretary of application for review of Part 7-reviewable decisions

(1) If an application for review is made to the Tribunal, the Registrar must, as soon as practicable, give the Secretary written notice of the making of the application.

(2) The Secretary must, within 10 working days after being notified of the application, give to the Registrar the prescribed number of copies of a statement about the decision under review that:

(a) sets out the findings of fact made by the person who made the decision; and

(b) refers to the evidence on which those findings were based; and

(c) gives the reasons for the decision.

(3) The Secretary must, as soon as is practicable after being notified of the application, give to the Registrar each other document, or part of a document, that is in the Secretary's possession or control and is considered by the Secretary to be relevant to the review of the decision.

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Division 3—Part 7-reviewable decisions: Tribunal powers

420 Tribunal's way of operating

The Tribunal, in reviewing a Part 7-reviewable decision:

(a) is not bound by technicalities, legal forms or rules of evidence; and

(b) must act according to substantial justice and the merits of the case.

420B Guidance decisions

(1) The President of the Tribunal, or the head of the Migration and Refugee Division of the Tribunal, may, in writing, direct that a decision (the ***guidance decision***) of the Tribunal, or of the former Refugee Review Tribunal, specified in the direction is to be complied with by the Tribunal in reaching a decision on a review of a Part 7-reviewable decision of a kind specified in the direction.

(2) In reaching a decision on a review of a decision of that kind, the Tribunal must comply with the guidance decision unless the Tribunal is satisfied that the facts or circumstances of the decision under review are clearly distinguishable from the facts or circumstances of the guidance decision.

(3) However, non-compliance by the Tribunal with a guidance decision does not mean that the Tribunal's decision on a review is an invalid decision.

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Division 4—Part 7-reviewable decisions: conduct of review

422B Exhaustive statement of natural justice hearing rule

(1) This Division is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the matters it deals with.

(2) Sections 416, 437 and 438 and Division 7A, in so far as they relate to this Division, are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the matters they deal with.

(3) In applying this Division, the Tribunal must act in a way that is fair and just.

423 Documents to be given to the Tribunal

(1) An applicant for review by the Tribunal may give the Registrar:
  (a) a statutory declaration in relation to any matter of fact that the applicant wishes the Tribunal to consider; and
  (b) written arguments relating to the issues arising in relation to the decision under review.

(2) The Secretary may give the Registrar written argument relating to the issues arising in relation to the decision under review.

423A How Tribunal is to deal with new claims or evidence

(1) This section applies if, in relation to an application for review of an RRT-reviewable decision (the ***primary decision***) in relation to a protection visa, the applicant:
  (a) raises a claim that was not raised in the application before the primary decision was made; or
  (b) presents evidence in the application that was not presented in the application before the primary decision was made.

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(2) In making a decision on the application, the Tribunal is to draw an inference unfavourable to the credibility of the claim or evidence if the Tribunal is satisfied that the applicant does not have a reasonable explanation why the claim was not raised, or the evidence was not presented, before the primary decision was made.

424 Tribunal may seek information

(1) In conducting the review, the Tribunal may get any information that it considers relevant. However, if the Tribunal gets such information, the Tribunal must have regard to that information in making the decision on the review.

(2) Without limiting subsection (1), the Tribunal may invite, either orally (including by telephone) or in writing, a person to give information.

(3) A written invitation under subsection (2) must be given to the person:

(a) except where paragraph (b) applies—by one of the methods specified in section 441A; or

(b) if the person is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

424AA Information and invitation given orally by Tribunal while applicant appearing

(1) If an applicant is appearing before the Tribunal because of an invitation under section 425:

(a) the Tribunal may orally give to the applicant clear particulars of any information that the Tribunal considers would be the reason, or a part of the reason, for affirming the decision that is under review; and

(b) if the Tribunal does so—the Tribunal must:

(i) ensure, as far as is reasonably practicable, that the applicant understands why the information is relevant to the review, and the consequences of the information

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being relied on in affirming the decision that is under review; and

(ii) orally invite the applicant to comment on or respond to the information; and

(iii) advise the applicant that he or she may seek additional time to comment on or respond to the information; and

(iv) if the applicant seeks additional time to comment on or respond to the information—adjourn the review, if the Tribunal considers that the applicant reasonably needs additional time to comment on or respond to the information.

(2) A reference in this section to affirming a decision that is under review does not include a reference to the affirmation of a decision that is taken to be affirmed under subsection 426A(1F).

424A Information and invitation given in writing by Tribunal

(1) Subject to subsections (2A) and (3), the Tribunal must:

(a) give to the applicant, in the way that the Tribunal considers appropriate in the circumstances, clear particulars of any information that the Tribunal considers would be the reason, or a part of the reason, for affirming the decision that is under review; and

(b) ensure, as far as is reasonably practicable, that the applicant understands why it is relevant to the review, and the consequences of it being relied on in affirming the decision that is under review; and

(c) invite the applicant to comment on or respond to it.

(2) The information and invitation must be given to the applicant:

(a) except where paragraph (b) applies—by one of the methods specified in section 441A; or

(b) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

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(2A) The Tribunal is not obliged under this section to give particulars of information to an applicant, nor invite the applicant to comment on or respond to the information, if the Tribunal gives clear particulars of the information to the applicant, and invites the applicant to comment on or respond to the information, under section 424AA.

(3) This section does not apply to information:

(a) that is not specifically about the applicant or another person and is just about a class of persons of which the applicant or other person is a member; or

(b) that the applicant gave for the purpose of the application for review; or

(ba) that the applicant gave during the process that led to the decision that is under review, other than such information that was provided orally by the applicant to the Department; or

(c) that is non-disclosable information.

(4) A reference in this section to affirming a decision that is under review does not include a reference to the affirmation of a decision that is taken to be affirmed under subsection 426A(1F).

424B Requirements for written invitation etc.

(1) If a person is:

(a) invited in writing under section 424 to give information; or

(b) invited under section 424A to comment on or respond to information;

the invitation is to specify the way in which the information, or the comments or the response, may be given, being the way the Tribunal considers is appropriate in the circumstances.

(2) If the invitation is to give information, or comments or a response, otherwise than at an interview, the information, or the comments or the response, are to be given within a period specified in the invitation, being a prescribed period or, if no period is prescribed, a reasonable period.

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(3) If the invitation is to give information, or comments or a response, at an interview, the interview is to take place:
  (a) at the place specified in the invitation; and
  (b) at a time specified in the invitation, being a time within a prescribed period or, if no period is prescribed, a reasonable period.

(4) If a person is to respond to an invitation within a prescribed period, the Tribunal may extend that period for a prescribed further period, and then the response is to be made within the extended period.

(5) If a person is to respond to an invitation at an interview at a time within a prescribed period, the Tribunal may change that time to:
  (a) a later time within that period; or
  (b) a time within that period as extended by the Tribunal for a prescribed further period;

and then the response is to be made at an interview at the new time.

424C Failure to give information, comments or response in response to written invitation

(1) If a person:
  (a) is invited in writing under section 424 to give information; and
  (b) does not give the information before the time for giving it has passed;

the Tribunal may make a decision on the review without taking any further action to obtain the information.

(2) If the applicant:
  (a) is invited under section 424A to comment on or respond to information; and
  (b) does not give the comments or the response before the time for giving them has passed;

the Tribunal may make a decision on the review without taking any further action to obtain the applicant's views on the information.

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425 Tribunal must invite applicant to appear

(1) The Tribunal must invite the applicant to appear before the Tribunal to give evidence and present arguments relating to the issues arising in relation to the decision under review.

(2) Subsection (1) does not apply if:
  (a) the Tribunal considers that it should decide the review in the applicant's favour on the basis of the material before it; or
  (b) the applicant consents to the Tribunal deciding the review without the applicant appearing before it; or
  (c) subsection 424C(1) or (2) applies to the applicant.

(3) If any of the paragraphs in subsection (2) of this section apply, the applicant is not entitled to appear before the Tribunal.

425A Notice of invitation to appear

(1) If the applicant is invited to appear before the Tribunal, the Tribunal must give the applicant notice of the day on which, and the time and place at which, the applicant is scheduled to appear.

(2) The notice must be given to the applicant:
  (a) except where paragraph (b) applies—by one of the methods specified in section 441A; or
  (b) if the applicant is in immigration detention—by a method prescribed for the purposes of giving documents to such a person.

(3) The period of notice given must be at least the prescribed period or, if no period is prescribed, a reasonable period.

(4) The notice must contain a statement of the effect of section 426A.

426 Applicant may request Tribunal to call witnesses

(1) In the notice under section 425A, the Tribunal must notify the applicant:

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(a) that he or she is invited to appear before the Tribunal to give evidence; and
(b) of the effect of subsection (2) of this section.

(2) The applicant may, within 7 days after being notified under subsection (1), give the Tribunal written notice that the applicant wants the Tribunal to obtain oral evidence from a person or persons named in the notice.

(3) If the Tribunal is notified by an applicant under subsection (2), the Tribunal must have regard to the applicant's wishes but is not required to obtain evidence (orally or otherwise) from a person named in the applicant's notice.

426A Failure of applicant to appear before Tribunal

Scope

(1) This section applies if the applicant:
(a) is invited under section 425 to appear before the Tribunal; but
(b) does not appear before the Tribunal on the day on which, or at the time and place at which, the applicant is scheduled to appear.

Tribunal may make a decision on the review or dismiss proceedings

(1A) The Tribunal may:
(a) by written statement under section 430, make a decision on the review without taking any further action to allow or enable the applicant to appear before it; or
(b) by written statement under section 426B, dismiss the application without any further consideration of the application or information before the Tribunal.

Note 1: Under section 430A, the Tribunal must notify the applicant of a decision on the review.

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Note 2: Under section 426B, the Tribunal must notify the applicant of a decision to dismiss the application.

Reinstatement of application or confirmation of dismissal

(1B) If the Tribunal dismisses the application, the applicant may, within 14 days after receiving notice of the decision under section 426B, apply to the Tribunal for reinstatement of the application.

Note: Section 441C sets out when a person (other than the Secretary) is taken to have received a document from the Tribunal for the purposes of this Part.

(1C) On application for reinstatement in accordance with subsection (1B), the Tribunal must:

(a) if it considers it appropriate to do so—reinstate the application, and give such directions as it considers appropriate in the circumstances, by written statement under section 426B; or

(b) confirm the decision to dismiss the application, by written statement under section 430.

Note 1: Under section 426B, the Tribunal must notify the applicant of a decision to reinstate the application.

Note 2: Under section 430A, the Tribunal must notify the applicant of a decision to confirm the dismissal of the application.

(1D) If the Tribunal reinstates the application:

(a) the application is taken never to have been dismissed; and

(b) the Tribunal must conduct (or continue to conduct) the review accordingly.

(1E) If the applicant fails to apply for reinstatement within the 14-day period mentioned in subsection (1B), the Tribunal must confirm the decision to dismiss the application, by written statement under section 430.

Note: Under section 430A, the Tribunal must notify the applicant of a decision to confirm the dismissal of the application.

(1F) If the Tribunal confirms the decision to dismiss the application, the decision under review is taken to be affirmed.

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(1G) To avoid doubt, the Tribunal cannot give a decision orally under subsection (1A), (1C) or (1E).

Other measures to deal with failure of applicant to appear

(2) This section does not prevent the Tribunal from rescheduling the applicant's appearance before it, or from delaying its decision on the review in order to enable the applicant's appearance before it as rescheduled.

426B Failure to appear—Tribunal's decisions, written statements and notifying the applicant

Decisions to which this section applies

(1) This section applies in relation to the following decisions (each of which is a ***non-appearance decision***):

(a) a decision to dismiss an application under paragraph 426A(1A)(b);

(b) a decision to reinstate an application under paragraph 426A(1C)(a) and to give directions (if any) under that paragraph.

Note: For similar provisions applying to a decision to confirm the dismissal of an application under section 426A, see sections 430 and 430A.

Written statement of decision

(2) If the Tribunal makes a non-appearance decision, the Tribunal must make a written statement that:

(a) sets out the decision; and

(b) sets out the reasons for the decision; and

(c) in the case of a decision to reinstate an application:

(i) sets out the findings on any material questions of fact; and

(ii) refers to the evidence or any other material on which the findings of fact were based; and

(d) records the day and time the statement is made.

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(3) A non-appearance decision is taken to have been made:
  (a) by the making of the written statement; and
  (b) on the day, and at the time, the written statement is made.

(4) The Tribunal has no power to vary or revoke a non-appearance decision after the day and time the written statement is made.

Note: However, if the application is reinstated, the application is taken never to have been dismissed (see subsection 426A(1D)).

Notice to applicant

(5) The Tribunal must notify the applicant of a non-appearance decision by giving the applicant a copy of the written statement made under subsection (2). The copy must be given to the applicant:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 441A.

(6) In the case of a decision to dismiss the application, the copy of the statement must be given to the applicant together with a statement describing the effect of subsections 426A(1B) to (1F).

Notice to Secretary

(7) A copy of the written statement made under subsection (2) must also be given to the Secretary:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 441B.

Validity etc. not affected by procedural irregularities

(8) The validity of a non-appearance decision, and the operation of subsection (4), are not affected by:
  (a) a failure to record, under paragraph (2)(d), the day and time when the written statement was made; or
  (b) a failure to comply with subsection (5), (6) or (7).

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427 Powers of the Tribunal etc.

(1) For the purpose of the review of a decision, the Tribunal may:
  (a) take evidence on oath or affirmation; or
  (b) adjourn the review from time to time; or
  (c) subject to sections 438 and 440, give information to the applicant and to the Secretary; or
  (d) require the Secretary to arrange for the making of any investigation, or any medical examination, that the Tribunal thinks necessary with respect to the review, and to give to the Tribunal a report of that investigation or examination.

(2) The Tribunal must combine the reviews of 2 or more Part 7-reviewable decisions made in respect of the same non-citizen.

(3) Subject to subsection (4), the Tribunal in relation to a review may:
  (a) summon a person to appear before the Tribunal to give evidence; and
  (b) summon a person to produce to the Tribunal the documents or things referred to in the summons; and
  (c) require a person appearing before the Tribunal to give evidence either to take an oath or affirmation; and
  (d) administer an oath or affirmation to a person so appearing.

(4) The Tribunal must not summon a person under paragraph (3)(a) or (b) unless the person is in Australia.

(6) A person appearing before the Tribunal to give evidence is not entitled:
  (a) to be represented before the Tribunal by any other person; or
  (b) to examine or cross-examine any other person appearing before the Tribunal to give evidence.

(7) If a person appearing before the Tribunal to give evidence is not proficient in English, the Tribunal may direct that communication with that person during his or her appearance proceed through an interpreter.

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428 Tribunal's power to take evidence

(1) The power (the ***evidence power***) of the Tribunal under paragraph 427(1)(a) to take evidence on oath or affirmation in a particular review may be exercised on behalf of the Tribunal by:
  (a) a member conducting the review; or
  (b) another person (whether or not a member) authorised in writing by that member.

(2) The evidence power may be exercised:
  (a) inside or outside Australia; and
  (b) subject to any limitations or requirements specified by the Tribunal.

(3) If a person other than a member conducting the review has the evidence power:
  (a) the person has, for the purpose of taking the evidence, the powers of the Tribunal under subsection 427(1) and paragraphs 427(3)(c) and (d); and
  (b) this Part applies in relation to the person, for the purpose of taking the evidence in the exercise of those powers, as if the person were the Tribunal; and
  (c) the person must cause a record of any evidence taken to be made and sent to the member who authorised the person to exercise the evidence power; and
  (d) for the purposes of section 425, if that member receives the record of evidence, the Tribunal is taken to have given the applicant an opportunity to appear before it to give evidence.

429 Review to be in private

The hearing of an application for review by the Tribunal must be in private.

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429A Oral evidence by telephone etc.

For the purposes of the review of a decision, the Tribunal may allow the appearance by the applicant before the Tribunal, or the giving of evidence by the applicant or any other person, to be by:

(a) telephone; or

(b) closed-circuit television; or

(c) any other means of communication.

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Division 5—Part 7-reviewable decisions: Tribunal decisions

430 Tribunal's decision and written statement

Written statement of decision

(1) Where the Tribunal makes its decision on a review (other than an oral decision), the Tribunal must make a written statement that:
  (a) sets out the decision of the Tribunal on the review; and
  (b) sets out the reasons for the decision; and
  (c) sets out the findings on any material questions of fact; and
  (d) refers to the evidence or any other material on which the findings of fact were based; and
  (e) in the case of a decision under paragraph 426A(1C)(b) or subsection 426A(1E) to confirm the dismissal of an application—indicates that under subsection 426A(1F), the decision under review is taken to be affirmed; and
  (f) records the day and time the statement is made.

Note: Decisions on a review made under paragraph 426A(1A)(a) or (1C)(b), or under subsection 426A(1E), must be made by a written statement under this section. They cannot be given orally. These decisions may be made following the failure of an applicant to appear before the Tribunal.

How and when written decisions are taken to be made

(2) A decision on a review (other than an oral decision) is taken to have been made:
  (a) by the making of the written statement; and
  (b) on the day, and at the time, the written statement is made.

Note: For oral decisions, see section 430D.

(2A) The Tribunal has no power to vary or revoke a decision to which subsection (2) applies after the day and time the written statement is made.

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Return of documents etc.

(3) After the Tribunal makes the written statement, the Tribunal must:
  (a) return to the Secretary any document that the Secretary has provided in relation to the review; and
  (b) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact were based.

Validity etc. not affected by procedural irregularities

(4) The validity of a decision on a review, and the operation of subsection (2A), are not affected by:
  (a) a failure to record, under paragraph (1)(f), the day and time when the written statement was made; or
  (b) a failure to comply with subsection (3).

430A Notifying parties of Tribunal's decision (decision not given orally)

(1) The Tribunal must notify the applicant of a decision on a review (other than an oral decision) by giving the applicant a copy of the written statement prepared under subsection 430(1). The copy must be given to the applicant:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 441A.

(2) A copy of that statement must also be given to the Secretary:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 441B.

(3) A failure to comply with this section in relation to a decision on a review does not affect the validity of the decision.

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430D Tribunal's decision given orally

How and when oral decisions are taken to have been made

(1) A decision on a review that is given orally by the Tribunal is taken to have been made, and notified to the applicant for the review, on the day and at the time the decision is given orally.

Statement in relation to oral decision

(2) If the Tribunal makes an oral decision on a review, the Tribunal must:

(a) make an oral statement that:

(i) describes the decision of the Tribunal on the review; and

(ii) describes the reasons for the decision; and

(iii) describes the findings on any material questions of fact; and

(iv) refers to the evidence or any other material on which the findings of fact were based; and

(v) identifies the day and time the decision is given orally; or

(b) make a written statement that:

(i) sets out the decision of the Tribunal on the review; and

(ii) sets out the reasons for the decision; and

(iii) sets out the findings on any material questions of fact; and

(iv) refers to the evidence or any other material on which the findings of fact were based; and

(v) records the day and time the decision is given orally.

(3) The Tribunal has no power to vary or revoke the decision after the day and time the decision is given orally.

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Written statement to be provided on request of applicant

(4) If the Tribunal makes an oral statement under paragraph (2)(a) and, within the period prescribed by regulation, the applicant makes a written request for the oral statement to be provided in writing, the Tribunal must:
  (a) reduce the oral statement to writing; and
  (b) within 14 days after the day the request is received by the Tribunal, give a copy of the written statement:
    (i) to the applicant by one of the methods specified in section 441A; and
    (ii) to the Secretary by one of the methods specified in section 441B.

Written statement to be provided on request of Minister

(5) If the Tribunal makes an oral statement under paragraph (2)(a) and, at any time after the oral statement is made, the Minister makes a written request for the oral statement to be provided in writing, the Tribunal must:
  (a) reduce the oral statement to writing; and
  (b) within 14 days after the day the request is received by the Tribunal, give a copy of the written statement:
    (i) to the Secretary by one of the methods specified in section 441B; and
    (ii) to the applicant by one of the methods specified in section 441A.

Return of documents etc.

(6) After the Tribunal makes a statement under subsection (2), the Tribunal must:
  (a) return to the Secretary any document that the Secretary has provided in relation to the review; and
  (b) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact were based.

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Validity etc. not affected by procedural irregularities

(7) The validity of a decision on a review, and the operation of subsection (3), are not affected by:

(a) a failure to identify or record, under subsection (2), the day and time when the decision was given orally; or

(b) a failure to comply with subsection (4), (5) or (6).

Note: Decisions on a review made under paragraph 426A(1A)(a) or (1C)(b), or under subsection 426A(1E), must be made by a written statement under section 430. They cannot be given orally. These decisions may be made following the failure of an applicant to appear before the Tribunal.

431 Identifying information not to be published

The Tribunal must not publish a statement made under subsection 430(1) which may identify an applicant or any relative or other dependant of an applicant.

Note: Section 66B of the *Administrative Appeals Tribunal Act 1975* allows the Tribunal to publish decisions and the reasons for them. However, section 66B does not authorise the publication of information if its disclosure would be prohibited or restricted by another enactment (such as this) conferring jurisdiction on the Tribunal.

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Division 6—Part 7-reviewable decisions: offences

432 Failure to comply with summons

(1) A person commits an offence if:
  (a) the Tribunal gives a summons to the person under section 427; and
  (b) the person fails to comply with the summons.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

(2) Subsection (1) does not apply if complying with the summons might tend to incriminate the person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

433 Refusal to be sworn or to answer questions

Oath or affirmation

(1) A person commits an offence if:
  (a) the person appears as a witness before the Tribunal for the purposes of a proceeding under this Part; and
  (b) the person has been required under section 427 either to take an oath or to make an affirmation; and
  (c) the person fails to comply with the requirement.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

Questions

(2) A person commits an offence if:
  (a) the person appears as a witness before the Tribunal for the purposes of a proceeding under this Part; and
  (b) the Tribunal has required the person to answer a question for the purposes of the proceeding; and
  (c) the person fails to answer the question.

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Penalty: Imprisonment for 12 months or 60 penalty units, or both.

(3) Subsection (2) does not apply if answering the question might tend to incriminate the person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the Criminal Code).

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Division 7—Part 7-reviewable decisions: miscellaneous

437 Restrictions on disclosure of certain information etc.

In spite of anything else in this Act, the Secretary must not give to the Tribunal a document, or information, if the Minister certifies, in writing, that the disclosure of any matter contained in the document, or the disclosure of the information, would be contrary to the public interest:

(a) because it would prejudice the security, defence or international relations of Australia; or

(b) because it would involve the disclosure of deliberations or decisions of the Cabinet or of a committee of the Cabinet.

438 Tribunal's discretion in relation to disclosure of certain information etc.

(1) This section applies to a document or information if:

(a) the Minister has certified, in writing, that the disclosure of any matter contained in the document, or the disclosure of the information, would be contrary to the public interest for any reason specified in the certificate (other than a reason set out in paragraph 437(a) or (b)) that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the matter contained in the document, or the information, should not be disclosed; or

(b) the document, the matter contained in the document, or the information was given to the Minister, or to an officer of the Department, in confidence.

(2) If, in compliance with a requirement of or under this Act, the Secretary gives to the Tribunal a document or information to which this section applies, the Secretary:

(a) must notify the Tribunal in writing that this section applies in relation to the document or information; and

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(b) may give the Tribunal any written advice that the Secretary thinks relevant about the significance of the document or information.

(3) If the Tribunal is given a document or information and is notified that this section applies in relation to it, the Tribunal:

(a) may, for the purpose of the exercise of its powers, have regard to any matter contained in the document, or to the information; and

(b) may, if the Tribunal thinks it appropriate to do so having regard to any advice given by the Secretary under subsection (2), disclose any matter contained in the document, or the information, to the applicant.

(4) If the Tribunal discloses any matter to the applicant, under subsection (3), the Tribunal must give a direction under section 440 in relation to the information.

440 Tribunal may restrict publication or disclosure of certain matters

(1) If the Tribunal is satisfied, in relation to a review, that it is in the public interest that:

(a) any evidence given before the Tribunal; or

(b) any information given to the Tribunal; or

(c) the contents of any document produced to the Tribunal;

should not be published or otherwise disclosed, or should not be published or otherwise disclosed except in a particular manner and to particular persons, the Tribunal may give a written direction accordingly.

(2) If the Tribunal has given a direction under subsection (1) in relation to the publication of any evidence or information or of the contents of a document, the direction does not:

(a) excuse the Tribunal from its obligations under section 430; or

(b) prevent a person from communicating to another person a matter contained in the evidence, information or document, if the first-mentioned person has knowledge of the matter

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otherwise than because of the evidence or the information having been given or the document having been produced to the Tribunal.

(3) A person must not contravene a direction given by the Tribunal under subsection (1) that is applicable to the person.

Penalty: Imprisonment for 2 years.

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Division 7A—Review of Part 7-reviewable decisions: giving and receiving documents

441AA Giving documents by Tribunal where no requirement to do so by section 441A or 441B method

(1) If:

(a) a provision of this Act or the regulations requires or permits the Tribunal to give a document to a person; and

(b) the provision does not state that the document must be given:

(i) by one of the methods specified in section 441A or 441B; or

(ii) by a method prescribed for the purposes of giving documents to a person in immigration detention;

the Tribunal may give the document to the person by any method that it considers appropriate (which may be one of the methods mentioned in subparagraph (b)(i) or (ii) of this section).

Note 1: If 2 or more persons apply for a review of a decision together, a document given to a person is taken to be given to each of them, see section 441EA.

Note 2: Under section 441G an applicant may give the Tribunal the name of an authorised recipient who is to receive documents on the applicant's behalf.

(2) If a person is a minor, the Tribunal may give a document to an individual who is at least 18 years of age if a member or an officer of the Tribunal reasonably believes that:

(a) the individual has day-to-day care and responsibility for the minor; or

(b) the individual works in or for an organisation that has day-to-day care and responsibility for the minor and the individual's duties, whether alone or jointly with another person, involve care and responsibility for the minor.

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(2A) However, subsection (2) does not apply if section 441EA (which relates to giving documents in the case of combined applications) applies in relation to the minor.

(3) If the Tribunal gives a document to an individual, as mentioned in subsection (2), the Tribunal is taken to have given the document to the minor. However, this does not prevent the Tribunal giving the minor a copy of the document.

441A Methods by which Tribunal gives documents to a person other than the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:

(a) require or permit the Tribunal to give a document to a person (the ***recipient***); and

(b) state that the Tribunal must do so by one of the methods specified in this section;

the methods are as follows.

(1A) If a person is a minor, the Tribunal may use the methods mentioned in subsections (4) and (5) to dispatch or transmit, as the case may be, a document to an individual (a ***carer of the minor***):

(a) who is at least 18 years of age; and

(b) who a member or an officer of the Tribunal reasonably believes:

(i) has day-to-day care and responsibility for the minor; or

(ii) works in or for an organisation that has day-to-day care and responsibility for the minor and whose duties, whether alone or jointly with another person, involve care and responsibility for the minor.

Note: If the Tribunal gives an individual a document by the method mentioned in subsection (4) or (5), the individual is taken to have received the document at the time specified in section 441C in respect of that method.

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(1B) However, subsection (1A) does not apply if section 441EA (which relates to giving documents in the case of combined applications) applies in relation to the minor.

Giving by hand

(2) One method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to the recipient.

Handing to a person at last residential or business address

(3) Another method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to another person who:

(a) is at the last residential or business address provided to the Tribunal by the recipient in connection with the review; and

(b) appears to live there (in the case of a residential address) or work there (in the case of a business address); and

(c) appears to be at least 16 years of age.

Dispatch by prepaid post or by other prepaid means

(4) Another method consists of a member or an officer of the Tribunal dating the document, and then dispatching it:

(a) within 3 working days (in the place of dispatch) of the date of the document; and

(b) by prepaid post or by other prepaid means; and

(c) to:

(i) the last address for service provided to the Tribunal by the recipient in connection with the review; or

(ii) the last residential or business address provided to the Tribunal by the recipient in connection with the review; or

(iii) if the recipient is a minor—the last address for a carer of the minor that is known by the member or officer.

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Transmission by fax, email or other electronic means

(5) Another method consists of a member or an officer of the Tribunal transmitting the document by:

(a) fax; or

(b) email; or

(c) other electronic means;

to:

(d) the last fax number, email address or other electronic address, as the case may be, provided to the Tribunal by the recipient in connection with the review; or

(e) if the recipient is a minor—the last fax number, email address or other electronic address, as the case may be, for a carer of the minor that is known by the member or officer.

Documents given to a carer

(6) If the Tribunal gives a document to a carer of a minor, the Tribunal is taken to have given the document to the minor. However, this does not prevent the Tribunal giving the minor a copy of the document.

441B Methods by which Tribunal gives documents to the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:

(a) require or permit the Tribunal to give a document to the Secretary; and

(b) state that the Tribunal must do so by one of the methods specified in this section;

the methods are as follows.

Giving by hand

(2) One method consists of a member or an officer of the Tribunal, or a person authorised in writing by the Registrar, handing the document to the Secretary or to an authorised officer.

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Dispatch by post or by other means

(3) Another method consists of a member or an officer of the Tribunal dating the document, and then dispatching it:
   (a) within 3 working days (in the place of dispatch) of the date of the document; and
   (b) by post or by other means; and
   (c) to an address, notified to the Tribunal in writing by the Secretary, to which such documents can be dispatched.

Transmission by fax, email or other electronic means

(4) Another method consists of a member or an officer of the Tribunal transmitting the document by:
   (a) fax; or
   (b) email; or
   (c) other electronic means;

to the last fax number, email address or other electronic address notified to the Tribunal in writing by the Secretary for the purpose.

441C When a person other than the Secretary is taken to have received a document from the Tribunal

(1) This section applies if the Tribunal gives a document to a person other than the Secretary by one of the methods specified in section 441A (including in a case covered by section 441AA).

Giving by hand

(2) If the Tribunal gives a document to a person by the method in subsection 441A(2) (which involves handing the document to the person), the person is taken to have received the document when it is handed to the person.

Handing to a person at last residential or business address

(3) If the Tribunal gives a document to a person by the method in subsection 441A(3) (which involves handing the document to

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another person at a residential or business address), the person is taken to have received the document when it is handed to the other person.

Dispatch by prepaid post or by other prepaid means

(4) If the Tribunal gives a document to a person by the method in subsection 441A(4) (which involves dispatching the document by prepaid post or by other prepaid means), the person is taken to have received the document:

(a) if the document was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the document; or

(b) in any other case—21 days after the date of the document.

Transmission by fax, email or other electronic means

(5) If the Tribunal gives a document to a person by the method in subsection 441A(5) (which involves transmitting the document by fax, email or other electronic means), the person is taken to have received the document at the end of the day on which the document is transmitted.

Document not given effectively

(7) If:

(a) the Tribunal purports to give a document to a person in accordance with a method specified in section 441A (including in a case covered by section 441AA) but makes an error in doing so; and

(b) the person nonetheless receives the document or a copy of it;

then the person is taken to have received the document at the times mentioned in this section as if the Tribunal had given the document to the person without making an error in doing so, unless the person can show that he or she received it at a later time, in which case, the person is taken to have received it at that time.

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441D When the Secretary is taken to have received a document from the Tribunal

(1) This section applies if the Tribunal gives a document to the Secretary by one of the methods specified in section 441B (including in a case covered by section 441AA).

Giving by hand

(2) If the Tribunal gives a document to the Secretary by the method in subsection 441B(2) (which involves handing the document to the Secretary or to an authorised officer), the Secretary is taken to have received the document when it is handed to the Secretary or to the authorised officer.

Dispatch by post or by other means

(3) If the Tribunal gives a document to the Secretary by the method in subsection 441B(3) (which involves dispatching the document by post or by other means), the Secretary is taken to have received the document:

(a) if the document was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the document; or

(b) in any other case—21 days after the date of the document.

Transmission by fax, email or other electronic means

(4) If the Tribunal gives a document to the Secretary by the method in subsection 441B(4) (which involves transmitting the document by fax, email or other electronic means), the Secretary is taken to have received the document at the end of the day on which the document is transmitted.

441EA Giving documents by Tribunal—combined applications

If 2 or more persons apply for a review of a decision together, documents given to any of them in connection with the review are taken to be given to each of them.

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Note 1: If the Tribunal gives a person a document by a method specified in section 441A, the person is taken to have received the document at the time specified in section 441C in respect of that method.

Note 2: Section 441G deals with giving documents to a person's authorised recipient.

441F Giving documents etc. to the Tribunal

If, in relation to the review of a Part 7-reviewable decision, a person is required or permitted to give a document or thing to the Tribunal, the person must do so:

(a) by giving the document or thing to an officer of the Tribunal; or

(b) by a method set out in directions under section 18B of the *Administrative Appeals Tribunal Act 1975*; or

(c) if the regulations set out a method for doing so—by that method.

441G Authorised recipient

(1) If:

(a) a person (the ***applicant***) applies for review of a Part 7-reviewable decision; and

(b) the applicant gives the Tribunal written notice of the name and address of another person (the ***authorised recipient***) authorised by the applicant to receive documents in connection with the review;

the Tribunal must give the authorised recipient, instead of the applicant, any document that it would otherwise have given to the applicant.

Note: If the Tribunal gives a person a document by a method specified in section 441A, the person is taken to have received the document at the time specified in section 441C in respect of that method.

(1A) For the purposes of subsection (1):

(a) paragraph (1)(a) is taken to also apply to an application for review of a Part 7-reviewable decision where the application is not a valid application under section 412; and

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(b) in connection with such an application, paragraph (1)(b) is taken to apply to a notice of a kind referred to in that paragraph as if the notice authorised the authorised recipient to receive documents in connection with the application (including a document notifying that recipient that the application is not a valid application under that section).

(2) If the Tribunal gives a document to the authorised recipient, the Tribunal is taken to have given the document to the applicant. However, this does not prevent the Tribunal giving the applicant a copy of the document.

(3) Subject to subsection (3A), the applicant (but not the authorised recipient) may vary or withdraw the notice under paragraph (1)(b) at any time, but must not (unless the regulations provide otherwise) vary the notice so that any more than one person becomes the applicant's authorised recipient.

(3A) In addition to the applicant being able to vary the notice under paragraph (1)(b) by varying the address of the authorised recipient, that recipient may also vary that notice by varying that address.

(5) This section does not apply to the Tribunal giving documents to, or communicating with, the applicant when the applicant is appearing before the Tribunal.

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Part 7AA—Fast track review process in relation to certain protection visa decisions

Division 1—Introduction

473BA Simplified outline of this Part

This Part provides a limited form of review of certain decisions (***fast track decisions***) to refuse protection visas to some applicants, including unauthorised maritime arrivals who entered Australia on or after 13 August 2012, but before 1 January 2014, and who have not been taken to a regional processing country. These applicants are known as ***fast track review applicants*** and decisions to refuse to grant them protection visas are known as ***fast track reviewable decisions***.

Fast track decisions made in relation to some applicants are excluded from the fast track review process. These applicants are known as ***excluded fast track review applicants***.

Fast track review applicants and excluded fast track review applicants are collectively known as ***fast track applicants***.

Fast track reviewable decisions must be referred by the Minister to the Immigration Assessment Authority as soon as reasonably practicable after a decision is made. A person cannot make an application for review directly to the Immigration Assessment Authority.

Decisions to refuse to grant protection visas to fast track applicants are generally not otherwise reviewable under this Act, although some decisions are reviewable by the Administrative Appeals Tribunal.

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The Immigration Assessment Authority consists of the President of the Administrative Appeals Tribunal, the head of the Migration and Refugee Division of the Tribunal, the Senior Reviewer and other Reviewers. The President and that Division head are responsible for the overall administration and operation of the Immigration Assessment Authority. The Senior Reviewer is appointed by the President or that Division head. The Senior Reviewers and other Reviewers are engaged under the *Public Service Act 1999*.

In reviewing fast track reviewable decisions, the Immigration Assessment Authority is required to pursue the objective of providing a mechanism of limited review that is efficient, quick, free of bias and consistent with Division 3 (conduct of review).

The Immigration Assessment Authority does not hold hearings and is required to review decisions on the papers that are provided to it when decisions are referred to it. However, in exceptional circumstances the Immigration Assessment Authority may consider new material and may invite referred applicants to provide, or comment on, new information at an interview or in writing.

The Immigration Assessment Authority may affirm a referred decision or may remit the decision for reconsideration in accordance with directions.

The Immigration Assessment Authority may give directions restricting the disclosure of information. There are also specific requirements for the giving and receiving of documents.

473BB Definitions

In this Part:

Division head means the head of the Migration and Refugee Division of the Tribunal.

fast track reviewable decision means:

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(a) a fast track decision in relation to a fast track review applicant; or

(b) a fast track decision determined under section 473BC;

but does not include a fast track decision in relation to which the Minister has issued a conclusive certificate under section 473BD.

Note: ***Fast track decisions*** are decisions (subject to some exceptions) to refuse to grant protection visas to certain applicants, known as ***fast track applicants*****.** Some specified fast track applicants are known as ***excluded fast track review applicants***; all others are known as ***fast track review applicants***. The highlighted terms are defined in subsection 5(1).

new information has the meaning given by subsection 473DC(1).

President means the President of the Tribunal.

referred applicant means an applicant for a protection visa in respect of whom a fast track reviewable decision is referred under section 473CA.

Reviewer means a Reviewer engaged in accordance with Division 8, and includes the Senior Reviewer.

review material has the meaning given by section 473CB.

Senior Reviewer means the Senior Reviewer appointed under section 473JC.

Note: "Tribunal" means the Administrative Appeals Tribunal. See the definition in subsection 5(1).

473BC Minister may determine that certain decisions are to be reviewed under this Part

The Minister may, by legislative instrument, determine that a specified fast track decision, or a specified class of fast track decisions, in relation to an excluded fast track review applicant should be reviewed under this Part.

Note 1: ***Excluded fast track review applicant*** and ***fast track decision*** are defined in subsection 5(1).

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Note 2: If the Minister makes a determination, the fast track decision is a fast track reviewable decision (see paragraph (b) of the definition of ***fast track reviewable decision*** in section 473BB).

473BD Minister may issue conclusive certificate in relation to certain decisions

The Minister may issue a conclusive certificate in relation to a fast track decision if the Minister believes that:

(a) it would be contrary to the national interest to change the decision; or

(b) it would be contrary to the national interest for the decision to be reviewed.

Note: If the Minister issues a conclusive certificate, the fast track decision is not a fast track reviewable decision (see definition of ***fast track reviewable decision*** in section 473BB).

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Division 2—Referral of fast track reviewable decisions to Immigration Assessment Authority

473CA Referral of fast track reviewable decisions

The Minister must refer a fast track reviewable decision to the Immigration Assessment Authority as soon as reasonably practicable after the decision is made.

473CB Material to be provided to Immigration Assessment Authority

(1) The Secretary must give to the Immigration Assessment Authority the following material (***review material***) in respect of each fast track reviewable decision referred to the Authority under section 473CA:

(a) a statement that:

(i) sets out the findings of fact made by the person who made the decision; and

(ii) refers to the evidence on which those findings were based; and

(iii) gives the reasons for the decision;

(b) material provided by the referred applicant to the person making the decision before the decision was made;

(c) any other material that is in the Secretary's possession or control and is considered by the Secretary (at the time the decision is referred to the Authority) to be relevant to the review;

(d) the following details:

(i) the last address for service provided to the Minister by the referred applicant for the purposes of receiving documents;

(ii) the last residential or business address provided to the Minister by the referred applicant for the purposes of receiving documents;

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(iii) the last fax number, email address or other electronic address provided to the Minister by the referred applicant for the purposes of receiving documents;

(iv) if an address or fax number mentioned in subparagraph (i), (ii) or (iii) has not been provided to the Minister by the referred applicant, or if the Minister reasonably believes that the last such address or number provided to the Minister is no longer correct—such an address or number (if any) that the Minister reasonably believes to be correct at the time the decision is referred to the Authority;

(v) if the referred applicant is a minor—the last address or fax number of a kind mentioned in subparagraph (i), (ii), (iii) or (iv) (if any) for a carer of the minor.

(2) The Secretary must give the review material to the Immigration Assessment Authority at the same time as, or as soon as reasonably practicable after, the decision is referred to the Authority.

473CC Review of decision

(1) The Immigration Assessment Authority must review a fast track reviewable decision referred to the Authority under section 473CA.

(2) The Immigration Assessment Authority may:

(a) affirm the fast track reviewable decision; or

(b) remit the decision for reconsideration in accordance with such directions or recommendations of the Authority as are permitted by regulation.

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Division 3—Conduct of review

Subdivision A—Natural justice requirements

473DA Exhaustive statement of natural justice hearing rule

(1) This Division, together with sections 473GA and 473GB, is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to reviews conducted by the Immigration Assessment Authority.

(2) To avoid doubt, nothing in this Part requires the Immigration Assessment Authority to give to a referred applicant any material that was before the Minister when the Minister made the decision under section 65.

Subdivision B—Review on the papers

473DB Immigration Assessment Authority to review decisions on the papers

(1) Subject to this Part, the Immigration Assessment Authority must review a fast track reviewable decision referred to it under section 473CA by considering the review material provided to the Authority under section 473CB:
  (a) without accepting or requesting new information; and
  (b) without interviewing the referred applicant.

(2) Subject to this Part, the Immigration Assessment Authority may make a decision on a fast track reviewable decision at any time after the decision has been referred to the Authority.

Note: Some decisions to refuse to grant a protection visa to fast track applicants are not reviewable by the Immigration Assessment Authority (see paragraphs (a) and (b) of the definition of ***fast track decision*** in subsection 5(1)).

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Subdivision C—Additional information

473DC Getting new information

(1) Subject to this Part, the Immigration Assessment Authority may, in relation to a fast track decision, get any documents or information (***new information***) that:
  (a) were not before the Minister when the Minister made the decision under section 65; and
  (b) the Authority considers may be relevant.

(2) The Immigration Assessment Authority does not have a duty to get, request or accept, any new information whether the Authority is requested to do so by a referred applicant or by any other person, or in any other circumstances.

(3) Without limiting subsection (1), the Immigration Assessment Authority may invite a person, orally or in writing, to give new information:
  (a) in writing; or
  (b) at an interview, whether conducted in person, by telephone or in any other way.

473DD Considering new information in exceptional circumstances

For the purposes of making a decision in relation to a fast track reviewable decision, the Immigration Assessment Authority must not consider any new information unless:
  (a) the Authority is satisfied that there are exceptional circumstances to justify considering the new information; and
  (b) the referred applicant satisfies the Authority that, in relation to any new information given, or proposed to be given, to the Authority by the referred applicant, the new information:
    (i) was not, and could not have been, provided to the Minister before the Minister made the decision under section 65; or

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(ii) is credible personal information which was not previously known and, had it been known, may have affected the consideration of the referred applicant's claims.

473DE Certain new information must be given to referred applicant

(1) The Immigration Assessment Authority must, in relation to a fast track reviewable decision:

(a) give to the referred applicant particulars of any new information, but only if the new information:

(i) has been, or is to be, considered by the Authority under section 473DD; and

(ii) would be the reason, or a part of the reason, for affirming the fast track reviewable decision; and

(b) explain to the referred applicant why the new information is relevant to the review; and

(c) invite the referred applicant, orally or in writing, to give comments on the new information:

(i) in writing; or

(ii) at an interview, whether conducted in person, by telephone or in any other way.

(2) The Immigration Assessment Authority may give the particulars mentioned in paragraph (1)(a) in the way that the Authority thinks appropriate in the circumstances.

(3) Subsection (1) does not apply to new information that:

(a) is not specifically about the referred applicant and is just about a class of persons of which the referred applicant is a member; or

(b) is non-disclosable information; or

(c) is prescribed by regulation for the purposes of this paragraph.

Note: Under subsection 473DA(2) the Immigration Assessment Authority is not required to give to a referred applicant any material that was before the Minister when the Minister made the decision under section 65.

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473DF Invitation to give new information or comments in writing or at interview

(1) This section applies if a referred applicant is:
  (a) invited under section 473DC to give new information in writing or at an interview; or
  (b) invited under section 473DE to give comments on new information in writing or at an interview.

(2) The information or comments are to be given within a period that is prescribed by regulation and specified in the invitation.

(3) The Immigration Assessment Authority may determine the manner in which, and the place and time at which, an interview is to be conducted.

(4) If the referred applicant does not give the new information or comments in accordance with the invitation, the Immigration Assessment Authority may make a decision on the review:
  (a) without taking any further action to get the information or the referred applicant's comments on the information; or
  (b) without taking any further action to allow or enable the referred applicant to take part in a further interview.

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Division 4—Decisions of Immigration Assessment Authority

473EA Immigration Assessment Authority's decision and written statement

Written statement of decision

(1) If the Immigration Assessment Authority makes a decision on a review under this Part, the Authority must make a written statement that:
  (a) sets out the decision of the Authority on the review; and
  (b) sets out the reasons for the decision; and
  (c) records the day and time the statement is made.

How and when written decisions are taken to be made

(2) A decision on a review is taken to have been made:
  (a) by the making of the written statement; and
  (b) on the day, and at the time, the written statement is made.

(3) The Immigration Assessment Authority has no power to vary or revoke a decision to which subsection (2) applies after the day and time the written statement is made.

Return of documents etc.

(4) After the Immigration Assessment Authority makes the written statement, the Authority must:
  (a) return to the Secretary any document that the Secretary has provided in relation to the review; and
  (b) give the Secretary a copy of any other document that contains evidence or material on which the findings of fact were based.

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Validity etc. not affected by procedural irregularities

(5) The validity of a decision on a review, and the operation of subsection (3), are not affected by:
  (a) a failure to record, under paragraph (1)(c), the day and time when the written statement was made; or
  (b) a failure to comply with subsection (4).

473EB Notification of Immigration Assessment Authority's decision

(1) The Immigration Assessment Authority must notify the referred applicant of a decision on a review by giving the referred applicant a copy of the written statement prepared under subsection 473EA(1). The copy must be given to the applicant:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 473HB.

(2) A copy of that statement must also be given to the Secretary:
  (a) within 14 days after the day on which the decision is taken to have been made; and
  (b) by one of the methods specified in section 473HC.

(3) A failure to comply with this section in relation to a decision on a review does not affect the validity of the decision.

473EC Certain decisions of the Immigration Assessment Authority to be published

(1) Subject to subsection (2), and to any direction under section 473GD, the Immigration Assessment Authority may publish any statements prepared under subsection 473EA(1) that the President thinks are of particular interest.

(2) The Immigration Assessment Authority must not publish any statement which may identify a referred applicant or any relative or other dependent of a referred applicant.

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Note: Section 5G may be relevant for determining relationships for the purposes of subsection (2).

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Division 5—Exercise of powers and functions by Immigration Assessment Authority

473FA How Immigration Assessment Authority is to exercise its functions

(1) The Immigration Assessment Authority, in carrying out its functions under this Act, is to pursue the objective of providing a mechanism of limited review that is efficient, quick, free of bias and consistent with Division 3 (conduct of review).

Note: Under section 473DB the Immigration Assessment Authority is generally required to undertake a review on the papers.

(2) The Immigration Assessment Authority, in reviewing a decision, is not bound by technicalities, legal forms or rules of evidence.

473FB Practice directions

(1) The President may, in writing, issue directions, not inconsistent with this Act or the regulations as to:
  (a) the operations of the Immigration Assessment Authority; and
  (b) the conduct of reviews by the Authority.

(2) Without limiting subsection (1), the directions may:
  (a) relate to the application of efficient processing practices in the conduct of reviews by the Immigration Assessment Authority; or
  (b) set out procedures to be followed by persons giving new information to the Authority in writing or at interview.

(3) The Immigration Assessment Authority must, as far as practicable, comply with the directions. However, non-compliance with any direction does not mean that the Authority's decision on a review is an invalid decision.

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(4) If the Immigration Assessment Authority deals with a review of a decision in a way that complies with the directions, the Authority is not required to take any other action in dealing with the review.

(5) The Immigration Assessment Authority is not required to accept new information or documents from a person, or to hear or continue to hear a person at an interview, if the person fails to comply with a relevant direction that applies to the person.

473FC Guidance decisions

(1) The President may, in writing, direct that a decision (the ***guidance decision*****)** of the Tribunal, the Immigration Assessment Authority or the former Refugee Review Tribunal specified in the direction is to be complied with by the Authority in reaching a decision on a review of a fast track reviewable decision of a kind specified in the direction.

(2) In reaching a decision on a review of a decision of that kind, the Immigration Assessment Authority must comply with the guidance decision unless the Authority is satisfied that the facts or circumstances of the decision under review are clearly distinguishable from the facts or circumstances of the guidance decision.

(3) However, non-compliance by the Immigration Assessment Authority with a guidance decision does not mean that the Authority's decision on a review is an invalid decision.

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Division 6—Disclosure of information

473GA Restrictions on disclosure of certain information etc.

(1) Despite anything else in this Act, the Secretary must not give to the Immigration Assessment Authority a document, or information, if the Minister certifies, under subsection (2), that the disclosure of any matter contained in the document, or the disclosure of the information, would be contrary to the public interest:

(a) because it would prejudice the security, defence or international relations of Australia; or

(b) because it would involve the disclosure of deliberations or decisions of the Cabinet or of a committee of the Cabinet.

(2) The Minister may issue a written certificate for the purposes of subsection (1).

473GB Immigration Assessment Authority's discretion in relation to disclosure of certain information etc.

(1) This section applies to a document or information if:

(a) the Minister has certified, under subsection (5), that the disclosure of any matter contained in the document, or the disclosure of the information, would be contrary to the public interest for any reason specified in the certificate (other than a reason set out in paragraph 473GA(1)(a) or (b)) that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the matter contained in the document, or the information, should not be disclosed; or

(b) the document, the matter contained in the document, or the information was given to the Minister, or to an officer of the Department, in confidence.

(2) If, in compliance with a requirement of or under this Act, the Secretary gives to the Immigration Assessment Authority a

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document or information to which this section applies, the Secretary:

(a) must notify the Authority in writing that this section applies in relation to the document or information; and

(b) may give the Authority any written advice that the Secretary thinks relevant about the significance of the document or information.

(3) If the Immigration Assessment Authority is given a document or information and is notified that this section applies in relation to it, the Authority:

(a) may, for the purpose of the exercise of its powers in relation to a fast track reviewable decision in respect of a referred applicant, have regard to any matter contained in the document, or to the information; and

(b) may, if the Authority thinks it appropriate to do so having regard to any advice given by the Secretary under subsection (2), disclose any matter contained in the document, or the information, to the referred applicant.

(4) If the Immigration Assessment Authority discloses any matter to the referred applicant under subsection (3), the Authority must give a direction under section 473GD in relation to the information.

(5) The Minister may issue a written certificate for the purposes of subsection (1).

473GC Disclosure of confidential information

(1) This section applies to a person who is or has been:

(a) a Reviewer; or

(b) a person acting as a Reviewer; or

(c) a person mentioned in subsection 473JE(2) who is assisting the Immigration Assessment Authority; or

(d) a person providing interpreting services in connection with a review by the Authority.

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(2) This section applies to information or a document if the information or document concerns a person and is obtained by a person to whom this section applies in the course of performing functions or duties or exercising powers under this Act.

(3) A person to whom this section applies must not:

(a) make a record of any information to which this section applies; or

(b) divulge or communicate to any person any information to which this section applies;

unless the record is made or the information is divulged or communicated:

(c) for the purposes of this Act; or

(d) for the purposes of, or in connection with, the performance of a function or duty or the exercise of a power under this Act.

Penalty: Imprisonment for 2 years.

(4) Subsection (3) applies to the divulging or communication of information whether directly or indirectly.

(5) A person to whom this section applies must not be required to produce any document, or to divulge or communicate any information, to which this section applies to or in:

(a) a court; or

(b) a tribunal; or

(c) a House of the Parliament of the Commonwealth, of a State or of a Territory; or

(d) a committee of a House, or the Houses, of the Parliament of the Commonwealth, of a State or of a Territory; or

(e) any other authority or person having power to require the production of documents or the answering of questions;

except where it is necessary to do so for the purposes of carrying into effect the provisions of this Act.

(6) Nothing in this section affects a right that a person has under the *Freedom of Information Act 1982*.

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(7) For the purposes of this section, a person who is providing interpreting services in connection with a review by the Immigration Assessment Authority is taken to be performing a function under this Act.

(8) In this section:

produce includes permit access to.

473GD Immigration Assessment Authority may restrict publication or disclosure of certain matters

(1) If the President is satisfied, in relation to a review, that it is in the public interest that:

(a) any information given to the Immigration Assessment Authority; or

(b) the contents of any document produced to the Authority;

should not be published or otherwise disclosed, or should not be published or otherwise disclosed except in a particular manner and to particular persons, the President may give a written direction accordingly.

(2) A direction under subsection (1):

(a) must be in writing; and

(b) must be notified in a way that the President considers appropriate.

(3) If the President has given a direction under subsection (1) in relation to the publication of any information or of the contents of a document, the direction does not:

(a) excuse the Immigration Assessment Authority from its obligations under section 473EA; or

(b) prevent a person from communicating to another person a matter contained in the evidence, information or document, if the first-mentioned person has knowledge of the matter otherwise than because of the evidence or the information having been given or the document having been produced to the Authority.

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(4) A person must not contravene a direction given under subsection (1) that is applicable to the person

Penalty: Imprisonment for 2 years.

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Division 7—Giving and receiving review documents etc.

473HA Giving documents by Immigration Assessment Authority where no requirement to do so by section 473HB or 473HC method

(1) If:

(a) a provision of this Act or the regulations requires or permits the Immigration Assessment Authority to give a document to a person; and

(b) the provision does not state that the document must be given:

(i) by one of the methods specified in section 473HB or 473HC; or

(ii) by a method prescribed for the purposes of giving documents to a person in immigration detention;

the Authority may give the document to the person by any method that it considers appropriate (which may be one of the methods mentioned in subparagraph (b)(i) or (ii) of this section).

Note: Under section 473HG a referred applicant may give the Immigration Assessment Authority the name of an authorised recipient who is to receive documents on the referred applicant's behalf.

(2) If a person is a minor, the Immigration Assessment Authority may give a document to an individual who is at least 18 years of age if the Authority reasonably believes that:

(a) the individual has day-to-day care and responsibility for the minor; or

(b) the individual works in or for an organisation that has day-to-day care and responsibility for the minor and the individual's duties, whether alone or jointly with another person, involve care and responsibility for the minor.

(3) If the Immigration Assessment Authority gives a document to an individual, as mentioned in subsection (2), the Authority is taken to have given the document to the minor. However, this does not prevent the Authority giving the minor a copy of the document.

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473HB Methods by which Immigration Assessment Authority gives documents to a person other than the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:
  (a) require or permit the Immigration Assessment Authority to give a document to a person (the ***recipient***); and
  (b) state that the Authority must do so by one of the methods specified in this section;

the methods are as follows.

(2) If the recipient is a minor, the Immigration Assessment Authority may use the methods mentioned in subsections (5) and (6) to dispatch or transmit, as the case may be, a document to an individual (a ***carer of the minor***):
  (a) who is at least 18 years of age; and
  (b) who the Authority reasonably believes:
    (i) has day-to-day care and responsibility for the minor; or
    (ii) works in or for an organisation that has day-to-day care and responsibility for the minor and whose duties, whether alone or jointly with another person, involve care and responsibility for the minor.

Note: If the Immigration Assessment Authority gives an individual a document by the method mentioned in subsection (5) or (6), the individual is taken to have received the document at the time specified in section 473HD in respect of that method.

Giving by hand

(3) One method consists of a Reviewer, a person authorised in writing by the Senior Reviewer, or a person mentioned in subsection 473JE(2), handing the document to the recipient.

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Handing to a person at last residential or business address

(4) Another method consists of a Reviewer, a person authorised in writing by the Senior Reviewer, or a person mentioned in subsection 473JE(2), handing the document to another person who:

(a) is at the last residential or business address of the recipient provided to the Immigration Assessment Authority in connection with the review; and

(b) appears to live there (in the case of a residential address) or work there (in the case of a business address); and

(c) appears to be at least 16 years of age.

Dispatch by prepaid post or by other prepaid means

(5) Another method consists of a Reviewer or a person mentioned in subsection 473JE(2) dating the document, and then dispatching it:

(a) within 3 working days (in the place of dispatch) of the date of the document; and

(b) by prepaid post or by other prepaid means; and

(c) to:

(i) the last address for service of the recipient provided to the Immigration Assessment Authority in connection with the review; or

(ii) the last residential or business address of the recipient provided to the Authority in connection with the review; or

(iii) if the recipient is a minor—the last address for a carer of the minor provided to the Authority.

Transmission by fax, email or other electronic means

(6) Another method consists of a Reviewer or a person mentioned in subsection 473JE(2), transmitting the document by:

(a) fax; or

(b) email; or

(c) other electronic means;

to:

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(d) the last fax number, email address or other electronic address, as the case may be, of the recipient provided to the Immigration Assessment Authority; or

(e) if the recipient is a minor—the last fax number, email address or other electronic address, as the case may be, for a carer of the minor that is provided to the Authority.

Documents given to a carer

(7) If the Immigration Assessment Authority gives a document to a carer of a minor, the Authority is taken to have given the document to the minor. However, this does not prevent the Authority giving the minor a copy of the document.

473HC Methods by which Immigration Assessment Authority gives documents to the Secretary

Coverage of section

(1) For the purposes of provisions of this Part or the regulations that:

(a) require or permit the Immigration Assessment Authority to give a document to the Secretary; and

(b) state that the Authority must do so by one of the methods specified in this section;

the methods are as follows.

Giving by hand

(2) One method consists of a Reviewer, a person authorised in writing by the Senior Reviewer or a person mentioned in subsection 473JE(2), handing the document to the Secretary or to an authorised officer.

Dispatch by post or by other means

(3) Another method consists of a Reviewer or a person mentioned in subsection 473JE(2), dating the document, and then dispatching it:

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(a) within 3 working days (in the place of dispatch) of the date of the document; and
(b) by post or by other means; and
(c) to an address, notified to the Immigration Assessment Authority in writing by the Secretary, to which such documents can be dispatched.

Transmission by fax, e-mail or other electronic means

(4) Another method consists of a Reviewer or a person mentioned in subsection 473JE(2), transmitting the document by:
(a) fax; or
(b) email; or
(c) other electronic means;
to the last fax number, email address or other electronic address notified to the Authority in writing by the Secretary for the purpose.

473HD When a person other than the Secretary is taken to have received a document from the Immigration Assessment Authority

(1) This section applies if the Immigration Assessment Authority gives a document to a person other than the Secretary by one of the methods specified in section 473HB (including in a case covered by section 473HA).

Giving by hand

(2) If the Immigration Assessment Authority gives a document to a person by the method in subsection 473HB(3) (which involves handing the document to the person), the person is taken to have received the document when it is handed to the person.

Handing to a person at last residential or business address

(3) If the Immigration Assessment Authority gives a document to a person by the method in subsection 473HB(4) (which involves

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handing the document to another person at a residential or business address), the person is taken to have received the document when it is handed to the other person.

Dispatch by prepaid post or by other prepaid means

(4) If the Immigration Assessment Authority gives a document to a person by the method in subsection 473HB(5) (which involves dispatching the document by prepaid post or by other prepaid means), the person is taken to have received the document 7 working days (in the place of that address) after the date of the document.

Transmission by fax, email or other electronic means

(5) If the Immigration Assessment Authority gives a document to a person by the method in subsection 473HB(6) (which involves transmitting the document by fax, email or other electronic means), the person is taken to have received the document at the end of the day on which the document is transmitted.

(6) Subsection (5) applies despite sections 14, 14A and 14B of the *Electronic Transactions Act 1999*.

Document not given effectively

(7) If:

(a) the Immigration Assessment Authority purports to give a document to a person in accordance with a method specified in section 473HB (including in a case covered by section 473HA) but makes an error in doing so; and

(b) the person nonetheless receives the document or a copy of it;

then the person is taken to have received the document at the times mentioned in this section as if the Authority had given the document to the person without making an error in doing so, unless the person can show that he or she received it at a later time, in which case, the person is taken to have received it at that time.

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473HE When the Secretary is taken to have received a document from the Immigration Assessment Authority

(1) This section applies if the Immigration Assessment Authority gives a document to the Secretary by one of the methods specified in section 473HC (including in a case covered by section 473HA).

Giving by hand

(2) If the Immigration Assessment Authority gives a document to the Secretary by the method in subsection 473HC(2) (which involves handing the document to the Secretary or to an authorised officer), the Secretary is taken to have received the document when it is handed to the Secretary or to the authorised officer.

Dispatch by post or by other means

(3) If the Immigration Assessment Authority gives a document to the Secretary by the method in subsection 473HC(3) (which involves dispatching the document by post or by other means), the Secretary is taken to have received the document 7 working days (in the place of that address) after the date of the document.

Transmission by fax, email or other electronic means

(4) If the Immigration Assessment Authority gives a document to the Secretary by the method in subsection 473HC(4) (which involves transmitting the document by fax, email or other electronic means), the Secretary is taken to have received the document at the end of the day on which the document is transmitted.

(5) Subsection (4) applies despite sections 14, 14A and 14B of the *Electronic Transactions Act 1999*.

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473HF Giving documents etc. to the Immigration Assessment Authority

(1) If, in relation to the review of fast track reviewable decision, a person is required or permitted to give a document or thing to the Immigration Assessment Authority, the person must do so:
  (a) by a method set out in directions under section 473FB; or
  (b) if the regulations set out a method for doing so—by that method.

(2) Directions under section 473FB may make provision for a person to give a copy of a document, rather than the document itself, to the Immigration Assessment Authority.

473HG Authorised recipient

(1) If:
  (a) a fast track reviewable decision in respect of a referred applicant is referred for review; and
  (b) the referred applicant gives the Immigration Assessment Authority written notice of the name and address of another person (the ***authorised recipient***) authorised by the referred applicant to receive documents in connection with the review;

the Authority must give the authorised recipient, instead of the referred applicant, any document that it would otherwise have given to the referred applicant.

Note: If the Immigration Assessment Authority gives a person a document by a method specified in section 473HB, the person is taken to have received the document at the time specified in section 473HD in respect of that method.

(2) If the Immigration Assessment Authority gives a document to the authorised recipient, the Authority is taken to have given the document to the referred applicant. However, this does not prevent the Authority giving the referred applicant a copy of the document.

(3) Subject to subsection (4), the referred applicant may vary or withdraw the notice under paragraph (1)(b) at any time, but must

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not (unless the regulations provide otherwise) vary the notice so that any more than one person becomes the referred applicant's authorised recipient.

(4) In addition to the referred applicant being able to vary the notice under paragraph (1)(b) by varying the address of the authorised recipient, that recipient may also vary that notice by varying that address.

(5) This section does not apply to the Immigration Assessment Authority giving documents to, or communicating with, the referred applicant when the referred applicant is appearing at an interview with the Authority.

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Division 8—The Immigration Assessment Authority

473JA The Immigration Assessment Authority

(1) The Immigration Assessment Authority is established within the Migration and Refugee Division of the Tribunal.

(2) The Immigration Assessment Authority consists of the following persons:

(a) the President;

(aa) the Division head;

(b) the Senior Reviewer and other Reviewers.

(3) The President, the Division head, the Senior Reviewer and the other Reviewers are to exercise the powers, and perform the functions, of the Immigration Assessment Authority under this Part.

473JB Administrative arrangements

(1) The President and the Division head are responsible for the overall operation and administration of the Immigration Assessment Authority and, for that purpose, either of them may issue directions or determine policies.

(1A) If a power or function is conferred on the President under this Part, the power may be exercised, or the function performed, by either the President or the Division head.

Example: The Division head may exercise the President's power to make a direction under section 473FC (Guidance decisions).

(2) The Senior Reviewer is to manage the Immigration Assessment Authority subject to the directions of, and in accordance with policies determined by, the President or the Division head.

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473JC Appointment of Senior Reviewer

(1) The President must, by written instrument, appoint an SES employee to be the Senior Reviewer.

(2) Before appointing a person as the Senior Reviewer, the President must consult the Minister.

473JD Acting Senior Reviewer

The President may appoint a person to act as the Senior Reviewer:

(a) during a vacancy in the office of Senior Reviewer, whether or not an appointment has previously been made to that office; or

(b) during any period, or during all periods, when the Senior Reviewer is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office of Senior Reviewer.

473JE Staff

(1) The Senior Reviewer and the other Reviewers are to be persons engaged under the *Public Service Act 1999*.

(2) The Registrar must make available officers of the Tribunal (within the meaning of the *Administrative Appeals Tribunal Act 1975*) to assist the Immigration Assessment Authority in the performance of its administrative functions.

473JF Delegation

(1) The President may delegate, in writing, all or any of the President's powers or functions under this Part to the Senior Reviewer.

(2) In exercising a power under a delegation, the Senior Reviewer must comply with any written directions of the President.

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Part 8—Judicial review

Division 1—Privative clause

474 Decisions under Act are final

(1) A privative clause decision:
  (a) is final and conclusive; and
  (b) must not be challenged, appealed against, reviewed, quashed or called in question in any court; and
  (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any account.

(2) In this section:

privative clause decision means a decision of an administrative character made, proposed to be made, or required to be made, as the case may be, under this Act or under a regulation or other instrument made under this Act (whether in the exercise of a discretion or not), other than a decision referred to in subsection (4) or (5).

(3) A reference in this section to a decision includes a reference to the following:
  (a) granting, making, varying, suspending, cancelling, revoking or refusing to make an order or determination;
  (b) granting, giving, suspending, cancelling, revoking or refusing to give a certificate, direction, approval, consent or permission (including a visa);
  (c) granting, issuing, suspending, cancelling, revoking or refusing to issue an authority or other instrument;
  (d) imposing, or refusing to remove, a condition or restriction;
  (e) making or revoking, or refusing to make or revoke, a declaration, demand or requirement;
  (f) retaining, or refusing to deliver up, an article;
  (g) doing or refusing to do any other act or thing;

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(h) conduct preparatory to the making of a decision, including the taking of evidence or the holding of an inquiry or investigation;

(i) a decision on review of a decision, irrespective of whether the decision on review is taken under this Act or a regulation or other instrument under this Act, or under another Act;

(j) a failure or refusal to make a decision.

(4) For the purposes of subsection (2), a decision under a provision, or under a regulation or other instrument made under a provision, set out in the following table is not a privative clause decision:

Decisions that are not privative clause decisions

Item	Provision	Subject matter of provision
1	section 213	Liability for the costs of removal or deportation
2	section 217	Conveyance of removees
3	section 218	Conveyance of deportees etc.
4	section 222	Orders restraining non-citizens from disposing of property
5	section 223	Valuables of detained non-citizens
6	section 224	Dealing with seized valuables
7	section 252	Searches of persons
8	section 259	Detention of vessels for search
9	section 260	Detention of vessels/dealing with detained vessels
10	section 261	Disposal of certain vessels
11	Division 14 of Part 2	Recovery of costs
12	section 269	Taking of securities
13	section 272	Migrant centres
14	section 273	Detention centres
15	Part 3	Migration agents registration scheme
16	Part 4	Court orders about reparation
23	Division 7 of Part 5	Part-5 reviewable decisions: offences

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Decisions that are not privative clause decisions		
Item	**Provision**	**Subject matter of provision**
28	Division 6 of Part 7	Part-7 reviewable decisions: offences
31	regulation 5.35	Medical treatment of persons in detention

(5) The regulations may specify that a decision, or a decision included in a class of decisions, under this Act, or under regulations or another instrument under this Act, is not a privative clause decision.

(6) A decision mentioned in subsection 474(4), or specified (whether by reference to a particular decision or a class of decisions) in regulations made under subsection 474(5), is a ***non-privative clause decision***.

(7) To avoid doubt, the following decisions are ***privative clause decisions*** within the meaning of subsection 474(2):

(a) a decision of the Minister not to exercise, or not to consider the exercise, of the Minister's power under subsection 37A(2) or (3), section 48B, paragraph 72(1)(c), section 91F, 91L, 91Q, 195A, 197AB, 197AD, 198AE, 351 or 417 or subsection 503A(3);

(d) a decision of the Minister under Division 13A of Part 2 to order that a thing is not to be condemned as forfeited.

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Division 2—Jurisdiction and procedure of courts

474A Definition of *AAT Act migration decision*

For the purposes of this Act, a decision under a provision of the *Administrative Appeals Tribunal Act 1975* set out in the following table is an ***AAT Act migration decision***, to the extent that the decision is made in relation to any of the following:

(a) a review of a particular Part-5 reviewable decision or Part-7 reviewable decision;

(b) a function of the Tribunal in relation to the exercise of its jurisdiction to review Part 5-reviewable decisions or Part 7-reviewable decisions;

(c) a Tribunal member in the Migration and Refugee Division of the Tribunal.

AAT Act migration decisions

Item	Provision of the Administrative Appeals Tribunal Act 1975	Subject matter of provision
1	section 6	Appointment of members of the Tribunal
2	section 8	Term of appointment
3	section 9	Remuneration and allowances
4	section 10	Acting appointments
5	section 10A	Delegation
6	section 11	Outside employment
7	section 12	Leave of absence
8	section 13	Termination of appointment (not Judges)
9	section 14	Disclosure of interests by members
10	section 17K	Division heads
11	section 17L	Deputy Division heads
12	section 18A	Arrangement of business

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AAT Act migration decisions		
Item	**Provision of the Administrative Appeals Tribunal Act 1975**	**Subject matter of provision**
13	section 18B	President's directions—arrangement of business
14	section 19A	President's directions—constitution
15	section 19D	Reconstitution
16	section 24C	Appointment of Registrar
17	section 24N	Staff
18	section 24P	Functions of Registrar and staff
19	section 24PA	Officers of the Tribunal
20	section 42	Resolving disagreements
21	section 64	Registries

Note: An AAT Act migration decision is a ***migration decision*** (see paragraph (d) of the definition of ***migration decision*** in subsection 5(1)).

475 This Division not to limit section 474

This Division is not to be taken to limit the scope or operation of section 474.

476 Jurisdiction of the Federal Circuit Court

(1) Subject to this section, the Federal Circuit Court has the same original jurisdiction in relation to migration decisions as the High Court has under paragraph 75(v) of the Constitution.

(2) The Federal Circuit Court has no jurisdiction in relation to the following decisions:

(a) a primary decision;

(b) a privative clause decision, or purported privative clause decision, of the Administrative Appeals Tribunal on review under section 500;

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(c) a privative clause decision, or purported privative clause decision, made personally by the Minister under section 501, 501A, 501B, 501BA, 501C or 501CA;

(d) a privative clause decision or purported privative clause decision mentioned in subsection 474(7).

(3) Nothing in this section affects any jurisdiction the Federal Circuit Court may have in relation to non-privative clause decisions under section 8 of the *Administrative Decisions (Judicial Review) Act 1977* or section 44AA of the *Administrative Appeals Tribunal Act 1975*.

(4) In this section:

primary decision means a privative clause decision or purported privative clause decision:

(a) that is reviewable under Part 5 or 7 or section 500 (whether or not it has been reviewed); or

(b) that would have been so reviewable if an application for such review had been made within a specified period; or

(c) that has been, or may be, referred for review under Part 7AA (whether or not it has been reviewed).

476A Limited jurisdiction of the Federal Court

(1) Despite any other law, including section 39B of the *Judiciary Act 1903* and section 8 of the *Administrative Decisions (Judicial Review) Act 1977*, the Federal Court has original jurisdiction in relation to a migration decision if, and only if:

(a) the Federal Circuit Court transfers a proceeding pending in that court in relation to the decision to the Federal Court under section 39 of the *Federal Circuit Court of Australia Act 1999*; or

(b) the decision is a privative clause decision, or a purported privative clause decision, of the Administrative Appeals Tribunal on review under section 500; or

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(c) the decision is a privative clause decision, or purported privative clause decision, made personally by the Minister under section 501, 501A, 501B, 501BA, 501C or 501CA; or

(d) the Federal Court has jurisdiction in relation to the decision under subsection 44(3) or 45(2) of the *Administrative Appeals Tribunal Act 1975*.

Note: An appeal in relation to any of the following migration decisions cannot be made to the Federal Court under section 44 of the *Administrative Appeals Tribunal Act 1975*:

(a) a privative clause decision;

(b) a purported privative clause decision;

(c) an AAT Act migration decision.

In addition, reference of a question of law arising in relation to a review of any of the proceedings mentioned in paragraph (a), (b) or (c) cannot be made by the Tribunal to the Federal Court under section 45 of the *Administrative Appeals Tribunal Act 1975*.

The only migration decisions in relation to which an appeal under section 44 of that Act, or a referral under section 45 of that Act, can be made to the Federal Court are non-privative clause decisions.

(2) Where the Federal Court has jurisdiction in relation to a migration decision under paragraph (1)(a), (b) or (c), that jurisdiction is the same as the jurisdiction of the High Court under paragraph 75(v) of the Constitution.

(3) Despite section 24 of the *Federal Court of Australia Act 1976*, an appeal may not be brought to the Federal Court from:

(a) a judgment of the Federal Circuit Court that makes an order or refuses to make an order under subsection 477(2); or

(b) a judgment of the Federal Court that makes an order or refuses to make an order under subsection 477A(2).

(4) Despite section 33 of the *Federal Court of Australia Act 1976*, an appeal may not be brought to the High Court from a judgment of the Federal Court that makes an order or refuses to make an order under subsection 477A(2).

(5) In this section:

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judgment has the same meaning as in the *Federal Court of Australia Act 1976*.

476B Remittal by the High Court

(1) Subject to subsection (3), the High Court must not remit a matter, or any part of a matter, that relates to a migration decision to any court other than the Federal Circuit Court.

(2) The High Court must not remit a matter, or any part of a matter, that relates to a migration decision to the Federal Circuit Court unless that court has jurisdiction in relation to the matter, or that part of the matter, under section 476.

(3) The High Court may remit a matter, or part of a matter, that relates to a migration decision in relation to which the Federal Court has jurisdiction under paragraph 476A(1)(b) or (c) to that court.

(4) Subsection (1) has effect despite section 44 of the *Judiciary Act 1903*.

477 Time limits on applications to the Federal Circuit Court

(1) An application to the Federal Circuit Court for a remedy to be granted in exercise of the court's original jurisdiction under section 476 in relation to a migration decision must be made to the court within 35 days of the date of the migration decision.

(2) The Federal Circuit Court may, by order, extend that 35 day period as the Federal Circuit Court considers appropriate if:

(a) an application for that order has been made in writing to the Federal Circuit Court specifying why the applicant considers that it is necessary in the interests of the administration of justice to make the order; and

(b) the Federal Circuit Court is satisfied that it is necessary in the interests of the administration of justice to make the order.

(3) In this section:

date of the migration decision means:

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(a) in the case of a migration decision made under subsection 43(1) of the *Administrative Appeals Tribunal Act 1975*—the date of the written decision under that subsection; or

(b) in the case of a migration decision made by the Administrative Appeals Tribunal in the exercise of its powers under Part 5—the day the decision is taken to have been made under subsection 362C(3), 368(2) or 368D(1); or

(c) in the case of a migration decision made by the Administrative Appeals Tribunal in the exercise of its powers under Part 7—the day the decision is taken to have been made under subsection 426B(3), 430(2) or 430D(1); or

(ca) in the case of a migration decision made by the Immigration Assessment Authority—the date of the written statement under subsection 473EA(1); or

(d) in any other case—the date of the written notice of the decision or, if no such notice exists, the date that the Court considers appropriate.

(4) For the purposes of subsection (1), the 35 day period begins to run despite a failure to comply with the requirements of any of the provisions mentioned in the definition of ***date of the migration decision*** in subsection (3).

(5) To avoid doubt, for the purposes of subsection (1), the 35 day period begins to run irrespective of the validity of the migration decision.

477A Time limits on applications to the Federal Court

(1) An application to the Federal Court for a remedy to be granted in exercise of the court's original jurisdiction under paragraph 476A(1)(b) or (c) in relation to a migration decision must be made to the court within 35 days of the date of the migration decision.

(2) The Federal Court may, by order, extend that 35 day period as the Federal Court considers appropriate if:

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(a) an application for that order has been made in writing to the Federal Court specifying why the applicant considers that it is necessary in the interests of the administration of justice to make the order; and

(b) the Federal Court is satisfied that it is necessary in the interests of the administration of justice to make the order.

(3) In this section:

date of the migration decision has the meaning given by subsection 477(3).

(4) For the purposes of subsection (1), the 35 day period begins to run despite a failure to comply with the requirements of any of the provisions mentioned in the definition of ***date of the migration decision*** in subsection 477(3).

(5) To avoid doubt, for the purposes of subsection (1), the 35 day period begins to run irrespective of the validity of the migration decision.

478 Persons who may make application

An application referred to in section 477 or 477A may only be made by the Minister, or where appropriate the Secretary or Australian Border Force Commissioner, and:

(a) if the migration decision concerned is made on review under Part 5 or 7 or section 500—the applicant in the review by the relevant Tribunal; or

(aa) if the migration decision concerned is made on review under Part 7AA—the referred applicant in the review by the Immigration Assessment Authority; or

(b) in any other case—the person who is the subject of the decision; or

(c) in any case—a person prescribed by the regulations.

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479 Parties to review

The parties to a review of a migration decision resulting from an application referred to in section 477 or 477A are the Minister, or where appropriate the Secretary or Australian Border Force Commissioner, and:

(a) if the migration decision concerned is made on review under Part 5 or 7 or section 500—the applicant in the review by the relevant Tribunal; or

(aa) if the migration decision concerned is made on review under Part 7AA—the referred applicant in the review by the Immigration Assessment Authority; or

(b) in any other case—the person who is the subject of the migration decision; or

(c) in any case—a person prescribed by the regulations.

480 Intervention by Attorney-General

(1) The Attorney-General may, on behalf of the Commonwealth, intervene in a proceeding resulting from an application referred to in section 477 or 477A.

(2) If the Attorney-General intervenes in such a proceeding, the Federal Circuit Court or Federal Court (as the case requires) may make such orders as to costs against the Commonwealth as the court thinks fit.

(3) If the Attorney-General intervenes in such a proceeding, he or she is taken to be a party to the proceeding.

481 Operation etc. of decision

The making of an application referred to in section 477 or 477A does not:

(a) affect the operation of the decision; or

(b) prevent the taking of action to implement the decision; or

(c) prevent the taking of action in reliance on the making of the decision.

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482 Changing person holding, or performing the duties of, an office

If:

(a) a person has, in the performance of the duties of an office, made a migration decision; and

(b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office;

this Part has effect as if the decision had been made by:

(c) the person for the time being holding or performing the duties of that office; or

(d) if there is no person for the time being holding or performing the duties of that office or that office no longer exists—such person as the Minister specifies.

484 Exclusive jurisdiction of High Court, Federal Court and Federal Circuit Court

(1) Only the High Court, the Federal Court and the Federal Circuit Court have jurisdiction in relation to migration decisions.

(2) To avoid doubt, subsection (1) is not intended to confer jurisdiction on the High Court, the Federal Court or the Federal Circuit Court, but to exclude other courts from jurisdiction in relation to migration decisions.

(3) To avoid doubt, despite section 67C of the *Judiciary Act 1903*, the Supreme Court of the Northern Territory does not have jurisdiction in relation to migration decisions.

(4) To avoid doubt, jurisdiction in relation to migration decisions is not conferred on any court under the *Jurisdiction of Courts (Cross-vesting) Act 1987*.

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Part 8A—Restrictions on court proceedings

486A Time limit on applications to the High Court for judicial review

(1) An application to the High Court for a remedy to be granted in exercise of the court's original jurisdiction in relation to a migration decision must be made to the court within 35 days of the date of the migration decision.

(2) The High Court may, by order, extend that 35 day period as the High Court considers appropriate if:

(a) an application for that order has been made in writing to the High Court specifying why the applicant considers that it is necessary in the interests of the administration of justice to make the order; and

(b) the High Court is satisfied that it is necessary in the interests of the administration of justice to make the order.

(3) In this section:

date of the migration decision has the meaning given by subsection 477(3).

(4) For the purposes of subsection (1), the 35 day period begins to run despite a failure to comply with the requirements of any of the provisions mentioned in the definition of ***date of the migration decision*** in subsection 477(3).

(5) To avoid doubt, for the purposes of subsection (1), the 35 day period begins to run irrespective of the validity of the migration decision.

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486AA Intervention by Attorney-General

(1) The Attorney-General may, on behalf of the Commonwealth, intervene in a proceeding resulting from an application referred to in subsection 486A(1).

(2) If the Attorney-General intervenes in such a proceeding, the High Court may make such orders as to costs against the Commonwealth as the court thinks fit.

(3) If the Attorney-General intervenes in such a proceeding, he or she is taken to be a party to the proceeding.

486AB Operation etc. of decision

The making of an application referred to in section 486A does not:

(a) affect the operation of the decision; or

(b) prevent the taking of action to implement the decision; or

(c) prevent the taking of action in reliance on the making of the decision.

486B Multiple parties in migration litigation

Application of section

(1) This section applies to all proceedings (***migration proceedings***) in the High Court, the Federal Court or the Federal Circuit Court that raise an issue in connection with visas (including if a visa is not granted or has been cancelled), deportation, taking, or removal of unlawful non-citizens.

Consolidation of proceedings

(2) Consolidation of any migration proceeding with any other migration proceeding is not permitted unless the court is satisfied that:

(a) the consolidation would otherwise be permitted under other relevant laws (including Rules of Court); and

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(b) the consolidation is desirable for the efficient conduct of the proceedings.

(3) No appeal lies from a decision by the court not to consolidate proceedings under subsection (2).

Other joint proceedings etc.

(4) The following are not permitted in or by a migration proceeding:
(a) representative or class actions;
(b) joinder of plaintiffs or applicants or addition of parties;
(c) a person in any other way (but not including as a result of consolidation under subsection (2)) being a party to the proceeding jointly with, on behalf of, for the benefit of, or representing, one or more other persons, however this is described.

Relationship with other laws

(5) This section has effect despite any other law, including in particular:
(a) Part IVA of the *Federal Court of Australia Act 1976*; and
(b) any Rules of Court.

(6) However, this section does not apply to a provision of an Act if the provision:
(a) commences after this section commences; and
(b) specifically states that this section does not apply.

Exceptions to general rules

(7) This section does not prevent the following persons from being involved in a migration proceeding:
(a) the applicants in the proceeding and any persons they represent, if:
(i) the regulations set out a definition of ***family*** for the purposes of this paragraph; and

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(ii) all of those applicants and other persons are members of the same family as so defined;

(b) a person who becomes a party to the proceeding in performing the person's statutory functions;

(c) the Attorney-General of the Commonwealth or of a State or Territory;

(d) any other person prescribed in the regulations.

486C Persons who may commence or continue proceedings in the Federal Circuit Court or the Federal Court

(1) Only the persons mentioned in this section may commence or continue a proceeding in the Federal Circuit Court or the Federal Court that raises an issue:

(a) in connection with visas (including if a visa is not granted or has been cancelled), deportation, taking, or removal of unlawful non-citizens; and

(b) that relates to the validity, interpretation or effect of a provision of this Act or the regulations;

(whether or not the proceeding raises any other issue).

(2) Those persons are:

(a) a party to a review mentioned in section 479; or

(b) the Attorney-General of the Commonwealth or of a State or a Territory; or

(c) a person who commences or continues the proceeding in performing the person's statutory functions; or

(d) any other person prescribed by the regulations.

(3) This section applies to proceedings within the Federal Circuit Court's jurisdiction under section 476 of this Act, section 44 of the *Judiciary Act 1903*, section 32AB of the *Federal Court of Australia Act 1976* or any other law.

(3A) This section applies to proceedings transferred to the Federal Court under section 39 of the *Federal Circuit Court of Australia Act*

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1999 and proceedings in which the Federal Court has jurisdiction under paragraph 476A(1)(b) or (c).

(4) To avoid doubt, nothing in this section allows a person to commence or continue a proceeding that the person could not otherwise commence or continue.

Relationship with other laws

(5) This section has effect despite any other law.

(6) However, subsection (5) does not apply to a provision of an Act if the provision:

(a) commences after this section commences; and

(b) specifically states that it applies despite this section.

486D Disclosing other judicial review proceedings

(1) A person must not commence a proceeding in the Federal Circuit Court in relation to a tribunal decision unless the person, when commencing the proceeding, discloses to the court any judicial review proceeding already brought by the person in that or any other court in relation to that decision.

(2) A person must not commence a proceeding in the Federal Court seeking the exercise of the court's original jurisdiction in relation to a tribunal decision unless the person, when commencing the proceeding, discloses to the court any judicial review proceeding already brought by the person in that or any other court in relation to that decision.

(3) A person must not commence a proceeding in the High Court seeking the exercise of the court's original jurisdiction in relation to a tribunal decision unless the person, when commencing the proceeding, discloses to the court any judicial review proceeding already brought by the person in that or any other court in relation to that decision.

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(4) Proceedings required to be disclosed under subsection (1), (2) or (3) include proceedings brought before the commencement of this section.

(5) In this section:

judicial review proceeding, in relation to a tribunal decision, means:

(a) a proceeding in the Federal Circuit Court in relation to the tribunal decision; or

(b) a proceeding in the Federal Court seeking the exercise of the court's original jurisdiction in relation to the tribunal decision; or

(c) a proceeding in the High Court seeking the exercise of the court's original jurisdiction in relation to the tribunal decision.

tribunal decision means a privative clause decision, or purported privative clause decision, made on review:

(a) by the Tribunal under Part 5 or 7 or section 500; or

(b) by the Immigration Assessment Authority under Part 7AA.

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Part 8B—Costs orders where proceedings have no reasonable prospect of success

486E Obligation where there is no reasonable prospect of success

(1) A person must not encourage another person (the ***litigant***) to commence or continue migration litigation in a court if:

(a) the migration litigation has no reasonable prospect of success; and

(b) either:

(i) the person does not give proper consideration to the prospects of success of the migration litigation; or

(ii) a purpose in commencing or continuing the migration litigation is unrelated to the objectives which the court process is designed to achieve.

(2) For the purposes of this section, migration litigation need not be:

(a) hopeless; or

(b) bound to fail;

for it to have no reasonable prospect of success.

(3) This section applies despite any obligation that the person may have to act in accordance with the instructions or wishes of the litigant.

486F Cost orders

(1) If a person acts in contravention of section 486E, the court in which the migration litigation is commenced or continued may make one or more of the following orders:

(a) an order that the person pay a party to the migration litigation (other than the litigant), the costs incurred by that party because of the commencement or continuation of the migration litigation;

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(b) an order that the person repay to the litigant any costs already paid by the litigant to another party to the migration litigation, because of the commencement or continuation of the migration litigation;

(c) where the person is a lawyer who has acted for the litigant in the migration litigation:

(i) an order that costs incurred by the litigant in the commencement or continuation of the migration litigation, are not payable to the lawyer;

(ii) an order that the lawyer repay the litigant costs already paid by the litigant to the lawyer in relation to the commencement or continuation of the migration litigation.

(2) If the court, at the time of giving judgment on the substantive issues in the migration litigation, finds that the migration litigation had no reasonable prospect of success, the court must consider whether an order under this section should be made.

(3) An order under this section may be made:

(a) on the motion of the court; or

(b) on the application of a party to the migration litigation.

(4) The motion or application must be considered at the time the question of costs in the migration litigation is decided.

(5) A person is not entitled to demand or recover from the litigant any part of an amount which the person is directed to pay under an order made under this section.

486G Person must be given reasonable opportunity to argue against costs order

The court must not make an order under section 486F unless the person has been given a reasonable opportunity to argue why the order should not be made.

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486H Limited waiver of legal professional privilege

(1) If, in proceedings to determine whether an order under section 486F should be made:

(a) a person wishes to produce a document, record or information for the purpose of arguing why an order under section 486F should not be made; and

(b) to do so would, but for this section, deny legal professional privilege to any person entitled to claim it;

the person may produce the document, record or information for that purpose.

(2) However:

(a) the document, record or information does not cease to be subject to legal professional privilege for any other purpose, or in any other circumstances; and

(b) the court must make any orders necessary to ensure that legal professional privilege is protected for other purposes and in other circumstances.

(3) Nothing in this section prevents a person who is entitled to claim legal professional privilege in relation to the document, record or information, from waiving that privilege.

(4) In this section:

legal professional privilege includes privilege (however described) under any provision of Division 1 of Part 3.10 of the *Evidence Act 1995*.

486I Lawyer's certification

(1) A lawyer must not file a document commencing migration litigation, unless the lawyer certifies in writing that there are reasonable grounds for believing that the migration litigation has a reasonable prospect of success.

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(2) A court must refuse to accept a document commencing migration litigation if it is a document that, under subsection (1), must be certified and it has not been.

486J Part does not limit other powers to order costs against third parties

This Part does not limit any power a court may otherwise have to make costs orders against a person who is not a party to proceedings.

486K Definitions

In this Part:

migration litigation means a court proceeding in relation to a migration decision.

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Part 8C—Reports on persons in detention for more than 2 years

486L What is the *detention reporting start time* for a person?

For the purposes of this Part, the ***detention reporting start time*** for a person is whichever of the following times (if any) applies to the person:

(a) if the person is in immigration detention on the commencement of this Part and has been in immigration detention before then for a period of at least 2 years, or for periods that total at least 2 years—the time when this Part commences; or

(b) otherwise—the time after the commencement of this Part when the person has been in immigration detention for a period of 2 years, or for periods that total at least 2 years (some of which detention may have occurred before the commencement of this Part).

486M What is a *detention reporting time* for a person?

For the purposes of this Part, a ***detention reporting time*** for a person is:

(a) the detention reporting start time for the person; or

(b) the end of each successive period of 6 months after that time at the end of which the person is in immigration detention.

486N Secretary's obligation to report to Commonwealth Ombudsman

(1) The Secretary must give the Commonwealth Ombudsman a report relating to the circumstances of the person's detention. The report must be given:

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(a) if the detention reporting time is the time when this Part commences—as soon as practicable, and in any event within 6 months, after that commencement; or

(b) otherwise—within 21 days after the detention reporting time.

(2) Without limiting subsection (1), the report must include any matters specified in regulations made for the purposes of this subsection.

(3) The Secretary must give the report to the Commonwealth Ombudsman even if the person has, since the detention reporting time, ceased to be in immigration detention.

486O Commonwealth Ombudsman to give Minister assessment of detention arrangements

Commonwealth Ombudsman to give Minister assessment of appropriateness of detention arrangements

(1) As soon as practicable after the Commonwealth Ombudsman receives a report under section 486N, he or she is to give the Minister an assessment of the appropriateness of the arrangements for the person's detention.

Assessment may include recommendations

(2) The assessment may include any recommendations the Commonwealth Ombudsman considers appropriate.

(3) Without limiting subsection (2), the kinds of recommendations the Ombudsman may make include the following:

(a) a recommendation for the continued detention of a person;

(b) a recommendation that another form of detention would be more appropriate for a person (for example, residing at a place in accordance with a residence determination);

(c) a recommendation that a person be released into the community on a visa;

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(d) general recommendations relating to the Department's handling of its detainee caseload.

(4) The Minister is not bound by any recommendations the Commonwealth Ombudsman makes.

Assessment to include statement for tabling in Parliament

(5) The assessment must also include a statement, for the purpose of tabling in Parliament, that sets out or paraphrases so much of the content of the assessment as the Commonwealth Ombudsman considers can be tabled without adversely affecting the privacy of any person.

Assessment to be given even if person no longer in detention

(6) The Commonwealth Ombudsman must give the assessment to the Minister even if the person has, since the detention reporting time, ceased to be in immigration detention.

486P Minister to table statement from Commonwealth Ombudsman

The Minister must cause the statement included in an assessment as mentioned in subsection 486O(5) to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the assessment.

486Q Application of *Ombudsman Act 1976*

(1) Subject to this Part, the *Ombudsman Act 1976* applies in relation to the Commonwealth Ombudsman's preparation of an assessment under section 486O (including his or her consideration of the report under section 486N to which the assessment relates), as if the preparation of the assessment were an investigation under that Act.

(2) The Commonwealth Ombudsman's functions include the functions conferred on the Commonwealth Ombudsman by this Part.

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Part 8D—Civil penalties

Division 1—Obtaining a civil penalty order

486R Civil penalty orders

Application for order

(1) The Minister may apply to an eligible court for an order that a person, who is alleged to have contravened a civil penalty provision, pay the Commonwealth a pecuniary penalty.

(2) The Minister must make the application within 6 years of the alleged contravention.

Eligible court may order person to pay pecuniary penalty

(3) If the eligible court is satisfied that the person has contravened a civil penalty provision, the court may order the person to pay to the Commonwealth such pecuniary penalty for the contravention as the court determines to be appropriate.

Note: Subsection (5) sets out the maximum penalty that the eligible court may order the person to pay.

(4) An order under subsection (3) is a ***civil penalty order***.

Determining pecuniary penalty

(5) The pecuniary penalty must not be more than:
(a) if the person is a body corporate—5 times the amount of the pecuniary penalty specified for the civil penalty provision; and
(b) otherwise—the amount of the pecuniary penalty specified for the civil penalty provision.

(6) In determining the pecuniary penalty, the eligible court must take into account all relevant matters, including:

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(a) the nature and extent of the contravention; and
(b) the nature and extent of any loss or damage suffered because of the contravention; and
(c) the circumstances in which the contravention took place; and
(d) whether the Department has taken any administrative action against the person in relation to the conduct constituting the contravention or any similar conduct; and
(e) whether the person has been issued with an infringement notice under regulations made for the purposes of section 506A in relation to the conduct constituting the contravention or any similar conduct; and
(f) whether the person has previously been found by a court in proceedings under this Act to have engaged in any similar conduct.

486S Additional rules relating to the sponsorship civil penalty provisions

(1) This section applies if an application for a civil penalty order against a person is made to an eligible court in relation to an alleged contravention of a civil penalty provision in Division 3A of Part 2.

Engaging in similar conduct

(2) For the purposes of subsection 486R(6), the person is taken to have engaged in similar conduct if the person has failed to satisfy a sponsorship obligation that is different from the sponsorship obligation to which the application relates.

(3) Subsection (2) does not limit the circumstances in which a person may be found to have engaged in similar conduct.

Order to pay a required amount

(4) If, when determining the application, it appears to the eligible court that:

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(a) an amount of a kind prescribed in the regulations made for purposes of subsection 140S(1) is required to be paid by the person to the Commonwealth, a State or Territory or another person; and

(b) the amount remains unpaid after the time for payment; and

(c) proceedings to recover the amount have not been brought under section 140S;

the court may order that the amount be paid to the Commonwealth, State, Territory or other person (as the case may be).

Note: Section 140S allows a person to bring proceedings to recover an amount owed if the eligible court does not make an order under this subsection.

(5) If the eligible court makes an order under subsection (4):

(a) an application may be made under subsection 140SA(1), and an order made under subsection 140SA(2), as if proceedings for a civil penalty order were proceedings under section 140S; and

(b) section 140SB applies as if the amount ordered to be paid under subsection (4) of this section were a judgement debt under a judgement of an eligible court under section 140S.

486T Civil enforcement of penalty

(1) A pecuniary penalty is a debt payable to the Commonwealth.

(2) The Commonwealth may enforce a civil penalty order as if it were an order made in civil proceedings against the person to recover a debt due by the person. The debt arising from the order is taken to be a judgement debt.

486U Conduct contravening more than one civil penalty provision

(1) If conduct constitutes a contravention of 2 or more civil penalty provisions, proceedings may be instituted under this Part against a person in relation to the contravention of any one or more of those provisions.

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(2) However, the person is not liable to more than one pecuniary penalty under this Part in relation to the same conduct.

486V Multiple contraventions

(1) An eligible court may make a single civil penalty order against a person for multiple contraventions of a civil penalty provision if proceedings for the contraventions are founded on the same facts, or if the contraventions form, or are part of, a series of contraventions of the same or a similar character.

(2) However, the penalty must not exceed the sum of the maximum penalties that could be ordered if a separate penalty were ordered for each of the contraventions.

486W Proceedings may be heard together

An eligible court may direct that 2 or more proceedings for civil penalty orders are to be heard together.

486X Civil evidence and procedure rules for civil penalty orders

An eligible court must apply the rules of evidence and procedure for civil matters when hearing proceedings for a civil penalty order.

486Y Requirement for persons to assist in applications for civil penalty orders

(1) A person commits an offence if:

(a) the Secretary requests, in writing, the person to give all reasonable assistance in connection with an application for a civil penalty order; and

(b) the person fails to comply with the request.

Penalty: 10 penalty units.

(2) A request under subsection (1) is not a legislative instrument.

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(3) The Secretary can request a person to assist under subsection (1) only if:

(a) it appears to the Secretary that the person is unlikely to have:

(i) contravened the civil penalty provision to which the application relates; or

(ii) committed an offence constituted by the same, or substantially the same, conduct as the conduct to which the application relates; and

(b) the Secretary suspects or believes that the person can give information relevant to the application.

(4) The Secretary cannot request a person to assist under subsection (1) if the person is or has been a lawyer for the person suspected of contravening the civil penalty provision to which the application relates.

(5) An eligible court may order a person to comply with a request under subsection (1) in a specified way. Only the Secretary may apply to the eligible court for an order under this subsection.

(6) For the purposes of this section, it does not matter whether the application for the civil penalty order has actually been made.

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Division 2—Civil proceedings and criminal proceedings

486Z Civil proceedings after criminal proceedings

An eligible court may not make a civil penalty order against a person for a contravention of a civil penalty provision if the person has been convicted of an offence constituted by conduct that is the same, or substantially the same, as the conduct constituting the contravention.

486ZA Criminal proceedings during civil proceedings

(1) Proceedings for a civil penalty order against a person for a contravention of a civil penalty provision are stayed if:

(a) criminal proceedings are commenced or have already been commenced against the person for an offence; and

(b) the offence is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention.

(2) The proceedings for the civil penalty order may be resumed if the person is not convicted of the offence. Otherwise, the proceedings are dismissed.

486ZB Criminal proceedings after civil proceedings

Criminal proceedings may be commenced against a person for conduct that is the same, or substantially the same, as conduct that would constitute a contravention of a civil penalty provision regardless of whether a civil penalty order has been made against the person in relation to the contravention.

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486ZC Evidence given in civil proceedings not admissible in criminal proceedings

(1) Evidence of information given, or evidence of production of documents, by an individual is not admissible in criminal proceedings against the individual if:

(a) the individual previously gave the evidence or produced the documents in proceedings for a civil penalty order against the individual for an alleged contravention of a civil penalty provision (whether or not the order was made); and

(b) the conduct alleged to constitute the offence is the same, or substantially the same, as the conduct alleged to constitute the contravention.

(2) However, subsection (1) does not apply to criminal proceedings in relation to the falsity of the evidence given by the individual in the proceedings for the civil penalty order.

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Division 3—Miscellaneous

486ZD Ancillary contravention of civil penalty provisions

(1) A person must not:

(a) attempt to contravene a civil penalty provision; or

(b) aid, abet, counsel or procure a contravention of a civil penalty provision; or

(c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or

(d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or

(e) conspire with others to effect a contravention of a civil penalty provision.

Note: Section 486ZF (which provides that a person's state of mind does not need to be proven in proceedings for a civil penalty order) does not apply in relation to this section.

Civil penalty

(2) A person who contravenes subsection (1) in relation to a civil penalty provision is taken to have contravened the provision.

486ZE Mistake of fact

(1) A person is not liable to have a civil penalty order made against the person for a contravention of a civil penalty provision if:

(a) at or before the time of the conduct constituting the contravention, the person:

(i) considered whether or not facts existed; and

(ii) was under a mistaken but reasonable belief about those facts; and

(b) had those facts existed, the conduct would not have constituted a contravention of the civil penalty provision.

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(2) For the purposes of subsection (1), a person may be regarded as having considered whether or not facts existed if:

(a) the person had considered, on a previous occasion, whether those facts existed in the circumstances surrounding that occasion; and

(b) the person honestly and reasonably believed that the circumstances surrounding the present occasion were the same, or substantially the same, as those surrounding the previous occasion.

(3) A person who wishes to rely on subsection (1) or (2) in proceedings for a civil penalty order bears an evidential burden in relation to that matter.

486ZF State of mind

(1) In proceedings for a civil penalty order against a person for a contravention of a civil penalty provision (other than subsection 245AK(2)) or 245AU(2), it is not necessary to prove:

(a) the person's intention; or

(b) the person's knowledge; or

(c) the person's recklessness; or

(d) the person's negligence; or

(e) any other state of mind of the person.

(2) Subsection (1) does not apply to the extent that the proceedings relate to a contravention of subsection 486ZD(1) (which is about ancillary contraventions of civil penalty provisions).

(3) Subsection (1) of this section does not affect the operation of section 486ZE (which is about mistake of fact).

486ZG Civil double jeopardy

If a person is ordered to pay a pecuniary penalty for contravening a civil penalty provision in respect of particular conduct, the person is not liable to a pecuniary penalty under some other provision of a law of the Commonwealth in respect of that conduct.

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Part 8E—Investigation powers relating to certain offences and provisions

Division 1—Preliminary

487A Definitions

In this Part:

evidential material means:

(a) in relation to a sponsorship-related offence or a work-related offence:

(i) a thing with respect to which the offence has been committed or is reasonably suspected of having been committed; or

(ii) a thing that it is reasonably suspected will afford evidence as to the commission of the offence; or

(iii) a thing that is reasonably suspected of being intended to be used for the purpose of committing the offence; or

(b) in relation to a contravention of a sponsorship-related provision or a work-related provision:

(i) a thing with respect to which the provision has been contravened or is reasonably suspected of having been contravened; or

(ii) a thing that it is reasonably suspected will afford evidence as to the contravention of the provision; or

(iii) a thing that is reasonably suspected of being intended to be used for the purpose of contravening the provision.

issuing officer means:

(a) a magistrate; or

(b) a Judge of the Federal Circuit Court; or

(c) a Judge of the Federal Court.

Note: For conferral of powers on an issuing officer, see section 487ZH.

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occupier, in relation to premises comprising a vehicle or vessel, means the person apparently in charge of the vehicle or vessel.

person assisting has the meaning given by section 487H.

premises includes the following:

(a) a structure, building, vehicle or vessel;
(b) a place (whether or not enclosed or built on);
(c) a part of a thing referred to in paragraph (a) or (b).

related provision means:

(a) a sponsorship-related offence; or
(b) a sponsorship-related provision; or
(c) a work-related offence; or
(d) a work-related provision.

search powers has the meaning given by sections 487E, 487F and 487G.

search warrant means:

(a) a warrant issued by an issuing officer under section 487ZC; or
(b) a warrant signed by an issuing officer under section 487ZD.

sponsorship-related offence means:

(a) an offence against Subdivision D of Division 12 of Part 2; or
(b) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against that Subdivision; or
(c) an ancillary offence (within the meaning of the *Criminal Code*) that is, or relates to, an offence against that Subdivision.

sponsorship-related provision means a civil penalty provision in Subdivision D of Division 12 of Part 2.

work-related offence means:

(a) an offence against Subdivision C of Division 12 of Part 2; or

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(b) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against that Subdivision; or

(c) an ancillary offence (within the meaning of the *Criminal Code*) that is, or relates to, an offence against that Subdivision.

work-related provision means a civil penalty provision in Subdivision C of Division 12 of Part 2.

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Division 2—Requiring persons to give information or produce documents

487B Secretary or Australian Border Force Commissioner may require a person to give information or produce a document

(1) If the Secretary or Australian Border Force Commissioner has reason to believe that a person has information or a document that is relevant to:

(a) a possible sponsorship-related offence; or

(b) a possible contravention of a sponsorship-related provision; or

(c) a possible work-related offence; or

(d) a possible contravention of a work-related provision;

the Secretary or Australian Border Force Commissioner may, by written notice given to the person, require the person to give the information, or to produce the document, to an authorised officer.

Content of notice

(2) The notice must:

(a) specify the period (which must be at least 14 days after the notice is given to the person) within which the person is required to comply with the notice; and

(b) specify how the information or document must be given; and

(c) set out the effect of subsection (3) and sections 137.1 and 137.2 of the *Criminal Code*.

Offence

(3) A person commits an offence if:

(a) the person is given a notice under subsection (1); and

(b) the person fails to comply with the notice.

Penalty: 30 penalty units.

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(4) An offence against subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(5) Subsection (3) does not apply to the extent that the person is not capable of complying with the notice.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

487C Self-incrimination

(1) A person is not excused from giving information or producing a document under section 487B on the ground that the information or the production of the document might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:

(a) the information given or document produced; and

(b) giving the information or producing the document; and

(c) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the document;

are not admissible in evidence against the individual:

(d) in criminal proceedings (other than proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to Subdivision C or D of Division 12 of Part 2 of this Act); or

(e) in civil proceedings (other than proceedings for a civil penalty order for an alleged contravention of a sponsorship-related provision or a work-related provision).

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Division 3—Search warrants

Subdivision A—Search powers

487D Authorised officer may enter premises by consent or under a search warrant

(1) If an authorised officer reasonably suspects that there may be evidential material on any premises, the authorised officer may:
  (a) enter the premises; and
  (b) exercise the search powers.

(2) However, an authorised officer is not authorised to enter the premises unless:
  (a) the occupier of the premises has consented to the entry and the authorised officer has shown his or her identity card if required by the occupier; or
  (b) the entry is made under a search warrant.

Note: If entry to the premises is with the occupier's consent, the authorised officer must leave the premises if the consent ceases to have effect (see section 487L).

487E Search powers of authorised officers

The following are the ***search powers*** that an authorised officer may exercise in relation to premises under section 487D:
  (a) if entry to the premises is with the occupier's consent—the power to search the premises and any thing on the premises for the evidential material the authorised officer reasonably suspects may be on the premises;
  (b) if entry to the premises is under a search warrant:
    (i) the power to search the premises, and any thing on the premises, for the kind of evidential material specified in the warrant; and
    (ii) the power to seize evidential material of that kind if the authorised officer finds it on the premises;

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(c) the power to inspect, examine, take measurements of, conduct tests on or take samples of evidential material referred to in paragraph (a) or (b);
(d) the power to make any still or moving image or any recording of the premises or evidential material referred to in paragraph (a) or (b);
(e) the power to take onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;
(f) the powers set out in subsections 487F(1) and (2) and section 487G.

487F Powers relating to electronic equipment

(1) The ***search powers*** include the power to operate electronic equipment on the premises if the authorised officer reasonably suspects that:
(a) the equipment; or
(b) a disk, tape or other storage device that:
(i) is on the premises; and
(ii) can be used with the equipment or is associated with it;
contains evidential material referred to in paragraph 487E(a) or (b).

(2) The ***search powers*** include the following powers in relation to evidential material described in subsection (1) found in the exercise of the power under that subsection:
(a) if entry to the premises is under a search warrant—the power to seize the equipment and the disk, tape or other storage device referred to in that subsection;
(b) the power to operate electronic equipment on the premises to put the evidential material in documentary form and remove the documents so produced from the premises;
(c) the power to operate electronic equipment on the premises to transfer the evidential material to a disk, tape or other storage device that:
(i) is brought to the premises for the exercise of the power; or

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(ii) is on the premises and the use of which for that purpose has been agreed to in writing by the occupier of the premises;

and remove the disk, tape or other storage device from the premises.

(3) An authorised officer may operate electronic equipment as mentioned in subsection (1) or (2) only if the authorised officer reasonably believes that the operation of the equipment can be carried out without damage to the equipment.

Note: For compensation for damage to electronic equipment, see section 487T.

(4) An authorised officer may seize equipment or a disk, tape or other storage device as mentioned in paragraph (2)(a) only if:

(a) it is not practicable to put the evidential material in documentary form as mentioned in paragraph (2)(b) or to transfer the evidential material as mentioned in paragraph (2)(c); or

(b) possession of the equipment or the disk, tape or other storage device by the occupier could constitute an offence against a law of the Commonwealth.

487G Seizing evidence of the contravention of related provisions etc.

(1) This section applies if an authorised officer enters premises under a search warrant to search for evidential material.

(2) The ***search powers*** include seizing a thing that is not evidential material of the kind specified in the warrant if:

(a) in the course of searching for the kind of evidential material specified in the warrant, the authorised officer finds the thing; and

(b) the authorised officer reasonably believes that:

(i) a related provision has been contravened with respect to the thing; or

(ii) the thing is evidence of the contravention of a related provision; or

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(iii) the thing is intended to be used for the purpose of contravening a related provision; and

(c) the authorised officer reasonably believes that it is necessary to seize the thing in order to prevent its concealment, loss or destruction.

487H Persons assisting authorised officers

Authorised officers may be assisted by other persons

(1) An authorised officer may be assisted by other persons in exercising powers or performing functions or duties under this Division, if that assistance is necessary and reasonable. A person giving such assistance is a ***person assisting*** the authorised officer.

Powers of a person assisting the authorised officer

(2) A person assisting the authorised officer:

(a) may enter the premises; and

(b) may exercise powers and perform functions and duties under this Division in relation to evidential material; and

(c) must do so in accordance with a direction given to the person assisting by the authorised officer.

(3) A power exercised by a person assisting the authorised officer as mentioned in subsection (2) is taken for all purposes to have been exercised by the authorised officer.

(4) A function or duty performed by a person assisting the authorised officer as mentioned in subsection (2) is taken for all purposes to have been performed by the authorised officer.

(5) If a direction is given under paragraph (2)(c) in writing, the direction is not a legislative instrument.

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487J Use of force in executing a search warrant

In executing a search warrant, an authorised officer, or a person assisting an authorised officer, may use such force against things as is necessary and reasonable in the circumstances.

Subdivision B—Powers of authorised officers to ask questions and seek production of documents

487K Authorised officer may ask questions and seek production of documents

Entry with consent

(1) If an authorised officer is authorised to enter premises because the occupier of the premises consented to the entry, the authorised officer may ask the occupier to:

(a) answer any questions relating to the reasons for the authorised officer entering the premises that are put by the authorised officer; and

(b) produce any document relating to the reasons for the authorised officer entering the premises that is requested by the authorised officer.

Entry under a search warrant

(2) If an authorised officer is authorised to enter premises by a search warrant, the authorised officer may require any person on the premises to:

(a) answer any questions relating to the reasons for the authorised officer entering the premises that are put by the authorised officer; and

(b) produce any document relating to the reasons for the authorised officer entering the premises that is requested by the authorised officer.

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Offence

(3) A person commits an offence if:
   (a) the person is subject to a requirement under subsection (2); and
   (b) the person fails to comply with the requirement.

Penalty for contravention of this subsection: 30 penalty units.

Subdivision C—Obligations and incidental powers of authorised officers

487L Consent

(1) Before obtaining the consent of an occupier of premises for the purposes of paragraph 487D(2)(a), an authorised officer must inform the occupier that the occupier may refuse consent.

(2) A consent has no effect unless the consent is voluntary.

(3) A consent may be expressed to be limited to entry during a particular period. If so, the consent has effect for that period unless the consent is withdrawn before the end of that period.

(4) A consent that is not limited as mentioned in subsection (3) has effect until the consent is withdrawn.

(5) If an authorised officer has entered premises because of the consent of the occupier of the premises, the authorised officer, and any person assisting the authorised officer, must leave the premises if the consent ceases to have effect.

487M Announcement before entry under search warrant

(1) Before entering premises under a search warrant, an authorised officer must:
   (a) announce that he or she is authorised to enter the premises; and

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(b) show his or her identity card to the occupier of the premises, or to another person who apparently represents the occupier, if the occupier or other person is present at the premises; and

(c) give any person at the premises an opportunity to allow entry to the premises.

(2) However, an authorised officer is not required to comply with subsection (1) if the authorised officer reasonably believes that immediate entry to the premises is required:

(a) to ensure the safety of a person; or

(b) to ensure that the effective execution of the search warrant is not frustrated.

(3) If:

(a) an authorised officer does not comply with subsection (1) because of subsection (2); and

(b) the occupier of the premises, or another person who apparently represents the occupier, is present at the premises;

the authorised officer must show his or her identity card to the occupier or other person, as soon as practicable after entering the premises.

487N Authorised officer to be in possession of search warrant

An authorised officer who is executing a search warrant must be in possession of:

(a) the search warrant issued by the issuing officer under section 487ZC, or a copy of the warrant as so issued; or

(b) the form of search warrant completed under subsection 487ZD(6), or a copy of the form as so completed.

487P Details of search warrant etc. to be given to occupier

(1) An authorised officer must comply with subsection (2) if:

(a) a search warrant is being executed in relation to premises; and

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(b) the occupier of the premises, or another person who apparently represents the occupier, is present at the premises.

(2) The authorised officer must, as soon as practicable:

(a) do one of the following:

(i) if the search warrant was issued under section 487ZC—make a copy of the warrant available to the occupier or other person (which need not include the signature of the issuing officer who issued it);

(ii) if the search warrant was signed under section 487ZD—make a copy of the form of warrant completed under subsection 487ZD(6) available to the occupier or other person; and

(b) inform the occupier or other person of the rights and responsibilities of the occupier or other person under Subdivision D.

487Q Completing execution of search warrant after temporary cessation

(1) This section applies if an authorised officer, and all persons assisting, who are executing a search warrant in relation to premises temporarily cease its execution and leave the premises.

(2) The authorised officer, and persons assisting, may complete the execution of the search warrant if:

(a) the warrant is still in force; and

(b) the authorised officer and persons assisting are absent from the premises:

(i) for not more than 1 hour; or

(ii) if there is an emergency situation, for not more than 12 hours or such longer period as allowed by an issuing officer under subsection (5); or

(iii) for a longer period if the occupier of the premises consents in writing.

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Application for extension in emergency situation

(3) An authorised officer, or person assisting, may apply to an issuing officer for an extension of the 12-hour period mentioned in subparagraph (2)(b)(ii) if:
  (a) there is an emergency situation; and
  (b) the authorised officer or person assisting reasonably believes that the authorised officer and the persons assisting will not be able to return to the premises within that period.

(4) If it is practicable to do so, before making the application, the authorised officer or person assisting must give notice to the occupier of the premises of his or her intention to apply for an extension.

Extension in emergency situation

(5) An issuing officer may extend the period during which the authorised officer and persons assisting may be away from the premises if:
  (a) an application is made under subsection (3); and
  (b) the issuing officer is satisfied, by information on oath or affirmation, that there are exceptional circumstances that justify the extension; and
  (c) the extension would not result in the period ending after the search warrant ceases to be in force.

487R Completing execution of search warrant stopped by court order

An authorised officer, and any persons assisting, may complete the execution of a search warrant that has been stopped by an order of a court if:
  (a) the order is later revoked or reversed on appeal; and
  (b) the warrant is still in force when the order is revoked or reversed.

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487S Expert assistance to operate electronic equipment

(1) This section applies if an authorised officer enters premises under a search warrant.

Securing equipment

(2) The authorised officer may do whatever is necessary to secure any electronic equipment that is on premises if the authorised officer reasonably believes that:

(a) there is on the premises evidential material of the kind specified in the search warrant; and

(b) that evidential material may be accessible by operating the equipment; and

(c) expert assistance is required to operate the equipment; and

(d) the evidential material may be destroyed, altered or otherwise interfered with, if the authorised officer does not take action under this subsection.

The equipment may be secured by locking it up, placing a guard or any other means.

(3) The authorised officer must give notice to the occupier of the premises, or another person who apparently represents the occupier, of:

(a) the authorised officer's intention to secure the equipment; and

(b) the fact that the equipment may be secured for up to 24 hours.

Period equipment may be secured

(4) The equipment may be secured until the earlier of the following happens:

(a) the 24-hour period ends;

(b) the equipment has been operated by the expert.

Note: For compensation for damage to electronic equipment, see section 487T.

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Extensions

(5) The authorised officer may apply to an issuing officer for an extension of the 24-hour period if the authorised officer reasonably believes that the equipment needs to be secured for longer than that period.

(6) Before making the application, the authorised officer must give notice to the occupier of the premises, or another person who apparently represents the occupier, of the authorised officer's intention to apply for an extension. The occupier or other person is entitled to be heard in relation to that application.

(7) The provisions of this Division relating to the issue of search warrants apply, with such modifications as are necessary, to the issue of an extension.

(8) The 24-hour period may be extended more than once.

487T Compensation for damage to electronic equipment

(1) This section applies if:

(a) as a result of electronic equipment being operated as mentioned in this Division:

(i) damage is caused to the equipment; or

(ii) the data recorded on the equipment is damaged; or

(iii) programs associated with the use of the equipment, or with the use of the data, are damaged or corrupted; and

(b) the damage or corruption occurs because:

(i) insufficient care was exercised in selecting the person who was to operate the equipment; or

(ii) insufficient care was exercised by the person operating the equipment.

(2) The Commonwealth must pay the owner of the equipment, or the user of the data or programs, such reasonable compensation for the damage or corruption as the Commonwealth and the owner or user agree on.

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(3) However, if the owner or user and the Commonwealth fail to agree, the owner or user may institute proceedings in a court of competent jurisdiction for such reasonable amount of compensation as the court determines.

(4) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises, or the occupier's employees or agents, if they were available at the time, provided any appropriate warning or guidance on the operation of the equipment.

(5) In this section:

damage, in relation to data, includes damage by erasure of data or addition of other data.

Subdivision D—Occupier's rights and responsibilities

487U Occupier entitled to observe execution of search warrant

(1) The occupier, or another person who apparently represents the occupier, is entitled to observe the execution of a search warrant if the occupier or other person is present at the premises while the warrant is being executed.

(2) The right to observe the execution of the search warrant ceases if the occupier or other person impedes that execution.

(3) This section does not prevent the execution of the search warrant in 2 or more areas of the premises at the same time.

487V Occupier to provide authorised officer with facilities and assistance

(1) The occupier of premises to which a search warrant relates, or another person who apparently represents the occupier, must provide:

(a) an authorised officer executing the warrant; and

(b) any person assisting the authorised officer;

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with all reasonable facilities and assistance for the effective exercise of their powers, and the effective performance of their functions and duties.

Offence

(2) A person commits an offence if:
  (a) the person is subject to subsection (1); and
  (b) the person fails to comply with that subsection.

Penalty for contravention of this subsection: 30 penalty units.

Subdivision E—General provisions relating to seizure

487W Copies of seized things to be provided

(1) This section applies if:
  (a) a search warrant is being executed in relation to premises; and
  (b) an authorised officer seizes one or more of the following from the premises under this Division:
    (i) a document, film, computer file or other thing that can be readily copied;
    (ii) a storage device, the information in which can be readily copied.

(2) The occupier of the premises, or another person who apparently represents the occupier and who is present when the search warrant is executed, may request the authorised officer to give a copy of the thing or the information to the occupier or other person.

(3) The authorised officer must comply with such a request as soon as practicable after the seizure.

(4) However, the authorised officer is not required to comply with such a request if possession of the document, film, computer file, thing or information by the occupier or other person could constitute an offence against a law of the Commonwealth.

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487X Receipts for seized things

(1) An authorised officer must provide a receipt for a thing that is seized under this Division.

(2) One receipt may cover 2 or more things that are seized.

487Y Return of seized things

(1) The Secretary or Australian Border Force Commissioner must take reasonable steps to return a thing seized under this Division when the earliest of the following happens:
  (a) the reason for the thing's seizure no longer exists;
  (b) it is decided that the thing is not to be used in evidence;
  (c) the period of 60 days after the thing's seizure ends.

Note: See subsections (2) and (3) for exceptions to this rule.

Exceptions

(2) Subsection (1):
  (a) is subject to any contrary order of a court; and
  (b) does not apply if the thing:
    (i) is forfeited or forfeitable to the Commonwealth; or
    (ii) is the subject of a dispute as to ownership.

(3) The Secretary or Australian Border Force Commissioner is not required to take reasonable steps to return a thing because of paragraph (1)(c) if:
  (a) proceedings in respect of which the thing may afford evidence were instituted before the end of the 60 days and have not been completed (including an appeal to a court in relation to those proceedings); or
  (b) the thing may continue to be retained because of an order under section 487Z; or
  (c) the Commonwealth, the Secretary, the Australian Border Force Commissioner or an authorised officer is otherwise authorised (by a law, or an order of a court, of the

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Commonwealth or of a State or Territory) to retain, destroy, dispose of or otherwise deal with the thing.

Return of thing

(4) A thing that is required to be returned under this section must be returned to the person from whom it was seized (or to the owner if that person is not entitled to possess it).

487Z Issuing officer may permit a seized thing to be retained

Application to retain seized thing

(1) The Secretary or Australian Border Force Commissioner may apply to an issuing officer for an order permitting the retention of a thing seized under this Division for a further period if proceedings in respect of which the thing may afford evidence have not commenced before the end of:
  (a) 60 days after the seizure; or
  (b) a period previously specified in an order of an issuing officer under this section.

(2) Before making the application, the Secretary or Australian Border Force Commissioner must:
  (a) take reasonable steps to discover who has an interest in the retention of the thing; and
  (b) if it is practicable to do so, notify each person whom the Secretary or Australian Border Force Commissioner believes to have such an interest of the proposed application.

Order to retain seized thing

(3) The issuing officer may order that the thing may continue to be retained for a period specified in the order if the issuing officer is satisfied that it is necessary for the thing to continue to be retained:
  (a) for the purposes of investigating whether:
    (i) a sponsorship-related offence has been committed; or

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(ii) a sponsorship-related provision has been contravened; or

(iii) a work-related offence has been committed; or

(iv) a work-related provision has been contravened; or

(b) to enable evidence of such an offence or contravention to be secured for the purposes of a prosecution or action.

(4) The period specified must not exceed 3 years.

487ZA Disposal of seized things

(1) The Secretary or Australian Border Force Commissioner may dispose of a thing seized under this Division if:

(a) the Secretary or Australian Border Force Commissioner has taken reasonable steps to return the thing to a person; and

(b) either:

(i) the Secretary or Australian Border Force Commissioner has been unable to locate the person; or

(ii) the person has refused to take possession of the thing.

(2) The Secretary or Australian Border Force Commissioner may dispose of the thing in any manner that he or she thinks appropriate.

487ZB Compensation for acquisition of property

(1) If the operation of section 487ZA would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

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acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

Subdivision F—Issue of search warrants

487ZC Issue of search warrants

Application for search warrant

(1) An authorised officer may apply to an issuing officer for a search warrant under this section in relation to premises.

Issue of search warrant

(2) The issuing officer may issue the search warrant if the issuing officer is satisfied, by information on oath or affirmation, that there are reasonable grounds for suspecting that there is, or there may be within the next 72 hours, evidential material on the premises.

(3) However, the issuing officer must not issue the search warrant unless the authorised officer or some other person has given to the issuing officer, either orally or by affidavit, such further information (if any) as the issuing officer requires concerning the grounds on which the issue of the warrant is being sought.

Content of search warrant

(4) The search warrant must:
  (a) state:
    (i) the sponsorship-related offence or offences; or
    (ii) the sponsorship-related provision or provisions; or
    (iii) the work-related offence or offences; or
    (iv) the work-related provision or provisions;
  to which the warrant relates; and
  (b) describe the premises to which the warrant relates; and

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(c) state that the warrant is issued under this Subdivision; and
(d) specify the kind of evidential material that is to be searched for under the warrant; and
(e) state that the evidential material specified, and any other evidential material found in the course of executing the warrant, may be seized under the warrant; and
(f) name one or more authorised officers; and
(g) authorise the authorised officers named in the warrant:
(i) to enter the premises; and
(ii) to exercise the powers set out in this Division in relation to the premises; and
(h) state whether entry is authorised to be made at any time of the day or during specified hours of the day; and
(i) specify the day (not more than 1 week after the issue of the warrant) on which the warrant ceases to be in force.

487ZD Search warrants by telephone, fax etc.

Application for search warrant

(1) An authorised officer may apply to an issuing officer by telephone, fax or other electronic means for a search warrant under section 487ZC in relation to premises:
(a) in an urgent case; or
(b) if the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.

(2) The issuing officer may require communication by voice to the extent that it is practicable in the circumstances.

(3) Before applying for the search warrant, the authorised officer must prepare an information of the kind mentioned in subsection 487ZC(2) in relation to the premises that sets out the grounds on which the warrant is sought. If it is necessary to do so, the authorised officer may apply for the warrant before the information is sworn or affirmed.

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Issuing officer may complete and sign search warrant

(4) The issuing officer may complete and sign the same search warrant that would have been issued under section 487ZC if the issuing officer is satisfied that there are reasonable grounds for doing so:
  (a) after considering the terms of the information; and
  (b) after receiving such further information (if any) as the issuing officer requires concerning the grounds on which the issue of the warrant is being sought.

(5) After completing and signing the search warrant, the issuing officer must inform the authorised officer, by telephone, fax or other electronic means, of:
  (a) the terms of the warrant; and
  (b) the day on which, and the time at which, the warrant was signed.

Obligations on authorised officer

(6) The authorised officer must then do the following:
  (a) complete a form of search warrant in the same terms as the warrant completed and signed by the issuing officer;
  (b) state on the form the following:
    (i) the name of the issuing officer;
    (ii) the day on which, and the time at which, the search warrant was signed;
  (c) send the following to the issuing officer:
    (i) the form of search warrant completed by the authorised officer;
    (ii) the information referred to in subsection (3), which must have been duly sworn or affirmed.

(7) The authorised officer must comply with paragraph (6)(c) by the end of the day after the earlier of the following:
  (a) the day on which the search warrant ceases to be in force;
  (b) the day on which the search warrant is executed.

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Issuing officer to attach documents together

(8) The issuing officer must attach the documents provided under paragraph (6)(c) to the search warrant signed by the issuing officer.

487ZE Authority of search warrant

(1) A form of search warrant duly completed under subsection 487ZD(6) is authority for the same powers as are authorised by the search warrant signed by the issuing officer under subsection 487ZD(4).

(2) In any proceedings, a court is to assume (unless the contrary is proved) that an exercise of power was not authorised by a search warrant under section 487ZD if:

(a) it is material, in those proceedings, for the court to be satisfied that the exercise of power was authorised by that section; and

(b) the warrant signed by the issuing officer authorising the exercise of the power is not produced in evidence.

487ZF Offence relating to search warrants by telephone, fax etc.

An authorised officer must not:

(a) state in a document that purports to be a form of search warrant under section 487ZD the name of an issuing officer unless that issuing officer signed the warrant; or

(b) state on a form of search warrant under that section a matter that, to the authorised officer's knowledge, departs in a material particular from the terms of the warrant signed by the issuing officer under that section; or

(c) purport to execute, or present to another person, a document that purports to be a form of search warrant under that section that the authorised officer knows departs in a material particular from the terms of a warrant signed by an issuing officer under that section; or

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(d) give to an issuing officer a form of search warrant under that section that is not the form of search warrant that the authorised officer purported to execute.

Penalty: Imprisonment for 2 years.

Subdivision G—Identity cards

487ZG Identity cards

(1) The Secretary or Australian Border Force Commissioner must issue an identity card to an authorised officer for the purposes of this Division.

Identity card must be carried by authorised officer

(2) An authorised officer must carry his or her identity card at all times when exercising powers as an authorised officer under this Division.

Form of identity card

(3) The identity card must:
(a) be in the form approved by the Secretary or Australian Border Force Commissioner; and
(b) contain a recent photograph of the authorised officer.

Offence

(4) A person commits an offence if:
(a) the person has been issued with an identity card under subsection (1); and
(b) the person ceases to be an authorised officer; and
(c) the person does not, as soon as practicable after so ceasing, return the identity card to the Secretary or Australian Border Force Commissioner.

Penalty: 1 penalty unit.

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(5) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(6) Subsection (4) does not apply if the identity card was lost or destroyed.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3) of the *Criminal Code*.

Subdivision H—Powers of issuing officers

487ZH Powers of issuing officers

Powers conferred personally

(1) A power conferred on an issuing officer by this Division is conferred on the issuing officer:
(a) in a personal capacity; and
(b) not as a court or a member of a court.

Powers need not be accepted

(2) The issuing officer need not accept the power conferred.

Protection and immunity

(3) An issuing officer exercising a power conferred by this Division has the same protection and immunity as if the issuing officer were exercising the power:
(a) as the court of which the issuing officer is a member; or
(b) as a member of the court of which the issuing officer is a member.

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Part 9—Miscellaneous

Division 1—Bogus documents

487ZI Prohibition on, and forfeiture of, bogus documents

(1) A person (whether a citizen or non-citizen) must not give, present, produce or provide a bogus document to an officer, an authorised system, the Minister, a tribunal or any other person or body performing a function or purpose under, or in relation to, this Act (the ***official***), or cause such a document to be so given, presented, produced or provided.

(2) A bogus document given, presented, produced or provided in contravention of subsection (1) is forfeited to the Commonwealth.

487ZJ Seizure of bogus documents

(1) If an officer reasonably suspects that a document is forfeited under subsection 487ZI(2), then the officer may seize the document.

(2) As soon as practicable after seizing the document, the officer must give written notice of the seizure to the person who gave, presented, produced or provided the document to the official under subsection 487ZI(1).

(3) The notice must:
  (a) identify the document; and
  (b) state that the document has been seized; and
  (c) specify the reason for the seizure; and
  (d) state that the document will be condemned as forfeited unless the person institutes proceedings against the Commonwealth before the end of the period specified in the notice:
    (i) to recover the document; or
    (ii) for a declaration that the document is not forfeited.

(4) For the purposes of paragraph (3)(d), the period must:

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(a) start on the date of the notice; and
(b) end 90 days after that date.

487ZK Document condemned as forfeited

(1) If a document is seized under subsection 487ZJ(1), then:
(a) the person who gave, presented, produced or provided the document to the official under subsection 487ZI(1); and
(b) if that person is not the owner of the document—the owner;
may, subject to paragraph (2)(b), institute proceedings in a court of competent jurisdiction:
(c) to recover the document; or
(d) for a declaration that the document is not forfeited.

(2) The proceedings:
(a) may be instituted even if the seizure notice required to be given under subsection 487ZJ(2) in relation to the document has not yet been given; and
(b) may only be instituted before the end of the period specified in the seizure notice.

(3) If, before the end of the period specified in the seizure notice, the person or owner does not institute the proceedings, the document is condemned as forfeited to the Commonwealth immediately after the end of that period.

(4) If, before the end of the period specified in the seizure notice, the person or owner does institute the proceedings, the document is condemned as forfeited to the Commonwealth at the end of the proceedings unless there is:
(a) an order for the person or owner to recover the document; or
(b) a declaration that the document is not forfeited.

(5) For the purposes of subsection (4), if the proceedings go to judgment, they end:
(a) if no appeal against the judgment is lodged within the period for lodging such an appeal—at the end of that period; or

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(b) if an appeal against the judgment is lodged within that period—when the appeal lapses or is finally determined.

487ZL Dealing with a document after it is condemned as forfeited

(1) If, under section 487ZK, a document is condemned as forfeited to the Commonwealth, it must be dealt with or disposed of (including by being given to another person) in accordance with any direction given by the Minister under section 499.

(2) If the Minister considers that the document may be relevant to proceedings in a court or tribunal, then the Minister:

(a) must give a direction under section 499 for the safe keeping of the document; and

(b) must authorise access to the document for the purposes of those proceedings.

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Division 2—Other

487 Liability for identification tests

No civil or criminal liability is incurred, by a person who carries out or helps to carry out an identification test under this Act, in respect of a thing done by the person if:

(a) it was properly and necessarily done in good faith in carrying out or helping to carry out the identification test; and

(b) the person believed on reasonable grounds that the identification test was carried out in accordance with this Act.

Note: This section does not provide any protection in respect of action taken maliciously.

488 Tampering with movements records

(1) A person must not:

(a) read; or

(b) examine; or

(c) reproduce by any means; or

(d) use; or

(e) disclose by any means;

any part of the movement records, otherwise than in accordance with an authority given under subsection (2).

Penalty: Imprisonment for 2 years.

(2) The Minister may:

(a) authorise an officer to perform for the purposes of one or more of the following:

(i) this Act;

(ii) the *Family Law Act 1975*;

(iii) a law relating to customs or excise;

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(iv) a law relating to biosecurity risks (within the meaning of the *Biosecurity Act 2015*), quarantine or health;

(v) law enforcement;

(vi) the *Education Services for Overseas Students Act 2000*;

(vii) prescribed Commonwealth, State or Territory legislation;

one or more of the actions prohibited by subsection (1); or

(aa) authorise an officer, for the purpose of making a movement record available to, and for the use of:

(i) the person to whom the record relates; or

(ii) the duly appointed agent of that person;

to perform one or more of those actions; or

(b) authorise an officer of the Attorney-General's Department to perform for the purposes of the *Family Law Act 1975* one or more of those actions; or

(c) authorise an officer of Customs, within the meaning of the *Customs Act 1901*, to perform for the purposes of a law relating to customs or excise one or more of those actions; or

(d) authorise a biosecurity officer (within the meaning of the *Biosecurity Act 2015*) to perform for the purposes of a law relating to biosecurity risks (within the meaning of that Act), or a law relating to quarantine or health, one or more of those actions; or

(e) authorise a member of the Australian Federal Police to perform for the purposes of law enforcement one or more of those actions; or

(f) authorise an employee of the Department whose Minister administers the *Education Services for Overseas Students Act 2000* to perform for the purposes of that Act one or more of those actions; or

(g) authorise a prescribed employee of a prescribed agency of the Commonwealth, or of a State or Territory, to perform for prescribed purposes one or more of those actions.

(3) Authority under subsection (2) to disclose any part of the movement records may be limited to authority to so disclose to a

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specified person, a person in a specified class, or a specified organisation, only.

(4) A person (other than an authorised officer carrying out duties or performing functions under or for the purposes of this Act) shall not:

(a) delete, alter or add to any part of the movement records;

(b) alter any computer program connected with making, transferring or keeping movement records; or

(c) in any other way tamper with a notified data base.

Penalty: Imprisonment for 10 years.

488A Giving information to other relevant agencies

(1) For the purposes of:

(a) assisting with the regulation of providers; or

(b) promoting compliance with the conditions of a particular student visa or visas, or of student visas generally;

the Secretary may give information obtained or received for the purposes of this Act to an agency of the Commonwealth, or of a State or Territory, that is responsible for or otherwise concerned with the regulation of providers.

(2) However, subsection (1) does not override section 488.

Note: Section 488 prohibits the disclosure etc. of movement records except in limited circumstances.

(3) In this section:

provider has the same meaning as in the *Education Services for Overseas Students Act 2000*.

488AA Things seized under Crimes Act search warrant and information about such things

(1) This section applies to the following:

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(a) a thing seized (***warrant material***) under a search warrant issued under Division 2 of Part 1AA of the *Crimes Act 1914*;
(b) information (***warrant information***) that is about, or obtained from, warrant material.

(2) A constable or Commonwealth officer who, under subsection 3ZQU(1) of the *Crimes Act 1914*, may use or make available warrant material, is authorised to make available warrant material or warrant information:
(a) to a person covered by subsection (4); and
(b) for a purpose mentioned in subsection (3).

(3) A person covered by subsection (4) is authorised to receive and use warrant material and warrant information, or make it available to another person covered by subsection (4), for the following purposes:
(a) making a decision, or assisting in making a decision, to grant or refuse to grant a visa;
(b) making a decision, or assisting in making a decision, to cancel a visa;
(c) making a decision, or assisting in making a decision, to revoke a cancellation of a visa;
(d) making a decision in relation to the detention, removal or deportation of a non-citizen from Australia.

Note: Subsection 3ZQU(4) of the *Crimes Act 1914* contemplates that another law of the Commonwealth may require or authorise the use or making available of a document or other thing to persons, or for purposes, in addition to those listed in subsection 3ZQU(1) of that Act.

(4) The following persons are covered by this subsection:
(a) the Minister;
(b) an officer, including the Secretary.

488B Authorisation to disclose information to an officer

(1) An airline operator, a shipping operator, a travel agent or a prescribed organisation may, for any purpose that is likely to

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facilitate the administration or enforcement of this Act or the regulations, disclose to an officer information about any matter relating to travel:

(a) that has been, is being, or is proposed to be, undertaken by any person on the way (directly or indirectly) to the migration zone; or

(b) that has been, is being, or is proposed to be, undertaken and that involves the departure from the migration zone of any person;

even if the information is personal information.

(2) To avoid doubt, this section does not:

(a) require anyone to disclose information; or

(b) affect a requirement of, or under, a provision of this Act or the regulations for a person to disclose information (whether by answering a question, by providing a document or by other means).

(3) In this section:

officer includes a person who is a clearance officer within the meaning of section 165.

organisation has the same meaning as in the *Privacy Act 1988*.

travel agent includes an organisation that is involved in arranging or facilitating travel.

489 Notified data bases

The Minister may, by notice in the *Gazette*, declare a data base containing information kept for the purposes of this Act in relation to the entry of persons into, and departure of persons from, Australia to be a notified data base for the purposes of this section.

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490 Identification card to be deemed to continue to be in a form approved by the Minister

Where the Minister revokes the approval of a form of identification card in relation to members of the crews of vessels, an identification card in accordance with that form signed by the master of a vessel not later than 3 months after the date of that revocation shall, notwithstanding that revocation, be deemed, for the purposes of this Act, to continue to be an identification card in accordance with a form approved by the Minister.

492 Commencement of prosecutions

(1) Subject to this section, a prosecution for an offence against this Act or the regulations may be instituted at any time within 5 years after the commission of that offence.

(2) A prosecution of a person for an offence against section 234, 236 or 243 that is alleged to have been committed after the commencement of this subsection may be instituted at any time.

(3) A prosecution for an offence:

(a) against section 232A, 233 or 233A of this Act as in force before the commencement of this subsection; and

(b) alleged to have been committed after the commencement of the *Migration Legislation Amendment Act (No. 1) 1999;*

may be instituted at any time.

(4) A prosecution for an offence against section 233A, 233B, 233C, 233D, 233E or 234A that is alleged to have been committed after the commencement of this subsection may be instituted at any time.

493 Conduct of directors, employees and agents

(1) Where, in proceedings for an offence against this Act or the regulations or for a civil penalty order, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:

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(a) the conduct was engaged in by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and

(b) that the director, employee or agent had the state of mind.

(2) Any conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act or the regulations or of proceedings for a civil penalty order, to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

(3) Where, in proceedings for an offence against this Act or the regulations or for a civil penalty order, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show:

(a) that the conduct was engaged in by an employee or agent of the person within the scope of his or her actual or apparent authority; and

(b) that the employee or agent had the state of mind.

(4) Any conduct engaged in on behalf of a person other than a body corporate by an employee or agent of the person within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act or the regulations or of proceedings for a civil penalty order, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.

(5) Where:

(a) a person other than a body corporate is convicted of an offence; and

(b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;

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the person is not liable to be punished by imprisonment for that offence.

(6) A reference in subsection (1) or (3) to the state of mind of a person includes a reference to:

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person's reasons for the intention, opinion, belief or purpose.

(7) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

(8) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.

494 Jurisdiction of courts

(1) A provision of the *Judiciary Act 1903* by which a court of a State is invested with jurisdiction with respect to offences against the laws of the Commonwealth has effect, in relation to offences against this Act, as if that jurisdiction were so invested without limitation as to locality other than the limitation imposed by section 80 of the Constitution.

(2) Subject to section 80 of the Constitution, where a person has committed an offence against a provision of this Act outside a Territory and is found in, or brought into, the Territory, a court of the Territory has the same jurisdiction in respect of the offence as it would have if the offence had been committed in the Territory.

(3) The trial of an offence against a provision of this Act not committed within a State may be held by a court of competent jurisdiction at any place where the court may sit.

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494AA Bar on certain legal proceedings relating to unauthorised maritime arrivals

(1) The following proceedings against the Commonwealth may not be instituted or continued in any court:

(a) proceedings relating to an unauthorised entry by an unauthorised maritime arrival;

(b) proceedings relating to the status of an unauthorised maritime arrival as an unlawful non-citizen during any part of the ineligibility period;

(c) proceedings relating to the lawfulness of the detention of an unauthorised maritime arrival during the ineligibility period, being a detention based on the status of the unauthorised maritime arrival as an unlawful non-citizen;

(d) proceedings relating to the exercise of powers under repealed section 198A;

(e) proceedings relating to the performance or exercise of a function, duty or power under Subdivision B of Division 8 of Part 2 in relation to an unauthorised maritime arrival.

(2) This section has effect despite anything else in this Act or any other law.

(3) Nothing in this section is intended to affect the jurisdiction of the High Court under section 75 of the Constitution.

(4) In this section:

Commonwealth includes:

(a) an officer of the Commonwealth; and

(b) any other person acting on behalf of the Commonwealth.

ineligibility period means the period from the time of the unauthorised entry until the time when the person next ceases to be an unlawful non-citizen.

unauthorised entry means an entry into Australia that occurs:

(a) at an excised offshore place after the excision time for that place; or

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(b) at any other place on or after the commencement of section 5AA.

494AB Bar on certain legal proceedings relating to transitory persons

(1) The following proceedings against the Commonwealth may not be instituted or continued in any court:

(a) proceedings relating to the exercise of powers under section 198B;

(b) proceedings relating to the status of a transitory person as an unlawful non-citizen during any part of the ineligibility period;

(c) proceedings relating to the detention of a transitory person who is brought to Australia under section 198B, being a detention based on the status of the person as an unlawful non-citizen;

(ca) proceedings relating to the performance or exercise of a function, duty or power under Subdivision B of Division 8 of Part 2 in relation to a transitory person;

(d) proceedings relating to the removal of a transitory person from Australia under this Act.

(2) This section has effect despite anything else in this Act or any other law.

(3) Nothing in this section is intended to affect the jurisdiction of the High Court under section 75 of the Constitution.

(4) In this section:

Commonwealth includes:

(a) an officer of the Commonwealth; and

(b) any other person acting on behalf of the Commonwealth.

ineligibility period means the period from the time when the transitory person was brought to Australia under section 198B until the time when the person next ceases to be an unlawful non-citizen.

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494A Giving documents by Minister where no requirement to do so by section 494B method

(1) If:

(a) a provision of this Act or the regulations requires or permits the Minister to give a document to a person; and

(b) the provision does not state that the document must be given:

(i) by one of the methods specified in section 494B; or

(ii) by a method prescribed for the purposes of giving documents to a person in immigration detention;

the Minister may give the document to the person by any method that he or she considers appropriate (which may be one of the methods mentioned in subparagraph (b)(i) or (ii) of this section).

Note: Section 494D deals with giving documents to a person's authorised recipient.

(2) If a person is a minor, the Minister may give a document to an individual who is at least 18 years of age if the Minister reasonably believes that:

(a) the individual has day-to-day care and responsibility for the minor; or

(b) the individual works in or for an organisation that has day-to-day care and responsibility for the minor and the individual's duties, whether alone or jointly with another person, involve care and responsibility for the minor.

(3) However, subsection (2) does not apply if subsection 52(3C) (which relates to giving notifications in the case of combined applications) applies in relation to the minor.

(4) If the Minister gives a document to an individual, as mentioned in subsection (2), the Minister is taken to have given the document to the minor. However, this does not prevent the Minister giving the minor a copy of the document.

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494B Methods by which Minister gives documents to a person

Coverage of section

(1) For the purposes of provisions of this Act or the regulations that:
  (a) require or permit the Minister to give a document to a person (the ***recipient***); and
  (b) state that the Minister must do so by one of the methods specified in this section;

the methods are as follows.

(1A) If a person is a minor, the Minister may use the methods mentioned in subsections (4) and (5) to dispatch or transmit, as the case may be, a document to an individual (a ***carer of the minor***):
  (a) who is at least 18 years of age; and
  (b) who the Minister reasonably believes:
    (i) has day-to-day care and responsibility for the minor; or
    (ii) works in or for an organisation that has day-to-day care and responsibility for the minor and whose duties, whether alone or jointly with another person, involve care and responsibility for the minor.

Note: If the Minister gives an individual a document by the method mentioned in subsection (4) or (5), the individual is taken to have received the document at the time specified in section 494C in respect of that method.

(1B) However, subsection (1A) does not apply if subsection 52(3C) (which relates to giving notifications in the case of combined applications) applies in relation to the minor.

Giving by hand

(2) One method consists of the Minister (including by way of an authorised officer) handing the document to the recipient.

Handing to a person at last residential or business address

(3) Another method consists of the Minister (including by way of an authorised officer) handing the document to another person who:

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(a) is at the last residential or business address provided to the Minister by the recipient for the purposes of receiving documents; and
(b) appears to live there (in the case of a residential address) or work there (in the case of a business address); and
(c) appears to be at least 16 years of age.

Dispatch by prepaid post or by other prepaid means

(4) Another method consists of the Minister dating the document, and then dispatching it:
(a) within 3 working days (in the place of dispatch) of the date of the document; and
(b) by prepaid post or by other prepaid means; and
(c) to:
(i) the last address for service provided to the Minister by the recipient for the purposes of receiving documents; or
(ii) the last residential or business address provided to the Minister by the recipient for the purposes of receiving documents; or
(iii) if the recipient is a minor—the last address for a carer of the minor that is known by the Minister.

Transmission by fax, email or other electronic means

(5) Another method consists of the Minister transmitting the document by:
(a) fax; or
(b) email; or
(c) other electronic means;
to:
(d) the last fax number, email address or other electronic address, as the case may be, provided to the Minister for the purposes of receiving documents; or

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(e) if the recipient is a minor—the last fax number, email address or other electronic address, as the case may be, for a carer of the minor that is known by the Minister.

When the Minister hands a document by way of an authorised officer

(6) For the purposes of sections 494C and 494D, a reference in those sections to an act of the Minister includes, if the act is of a kind referred to in subsection (2) or (3) of this section, a reference to an act of the Minister by way of an authorised officer.

Documents given to a carer

(7) If the Minister gives a document to a carer of a minor, the Minister is taken to have given the document to the minor. However, this does not prevent the Minister giving the minor a copy of the document.

494C When a person is taken to have received a document from the Minister

(1) This section applies if the Minister gives a document to a person by one of the methods specified in section 494B (including in a case covered by section 494A).

Giving by hand

(2) If the Minister gives a document to a person by the method in subsection 494B(2) (which involves handing the document to the person), the person is taken to have received the document when it is handed to the person.

Handing to a person at last residential or business address

(3) If the Minister gives a document to a person by the method in subsection 494B(3) (which involves handing the document to another person at a residential or business address), the person is

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taken to have received the document when it is handed to the other person.

Dispatch by prepaid post or by other prepaid means

(4) If the Minister gives a document to a person by the method in subsection 494B(4) (which involves dispatching the document by prepaid post or by other prepaid means), the person is taken to have received the document:

(a) if the document was dispatched from a place in Australia to an address in Australia—7 working days (in the place of that address) after the date of the document; or

(b) in any other case—21 days after the date of the document.

Transmission by fax, email or other electronic means

(5) If the Minister gives a document to a person by the method in subsection 494B(5) (which involves transmitting the document by fax, email or other electronic means), the person is taken to have received the document at the end of the day on which the document is transmitted.

Document not given effectively

(7) If:

(a) the Minister purports to give a document to a person in accordance with a method specified in section 494B (including in a case covered by section 494A) but makes an error in doing so; and

(b) the person nonetheless receives the document or a copy of it;

then the person is taken to have received the document at the times mentioned in this section as if the Minister had given the document to the person without making an error in doing so, unless the person can show that he or she received it at a later time, in which case, the person is taken to have received it at that time.

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494D Authorised recipient

(1) If a person (the ***first person***) gives the Minister written notice of the name and address of another person (the ***authorised recipient***) authorised by the first person to receive documents in connection with specified matters arising under this Act or the regulations, the Minister must give the authorised recipient, instead of the first person, any documents in connection with those matters that the Minister would otherwise have given to the first person.

Note: If the Minister gives a person a document by a method specified in section 494B, the person is taken to have received the document at the time specified in section 494C in respect of that method.

(2) If the Minister gives a document to the authorised recipient, the Minister is taken to have given the document to the first person. However, this does not prevent the Minister giving the first person a copy of the document.

(3) Subject to subsection (3A), the first person (but not the authorised recipient) may vary or withdraw the notice under subsection (1) at any time, but must not (unless the regulations provide otherwise) vary the notice so that any more than one person becomes the first person's authorised recipient.

(3A) In addition to the first person being able to vary the notice under subsection (1) by varying the address of the authorised recipient, that recipient may also vary that notice by varying that address.

(5) The Minister need not comply with subsection (1) if:

(a) the authorised recipient is not a registered migration agent (within the meaning of Part 3); and

(b) the Minister reasonably suspects that the authorised recipient is giving immigration assistance (within the meaning of that Part); and

(c) the Minister has given the first person a notice, by one of the methods specified in section 494B, stating that he or she does not intend to give the authorised recipient documents as mentioned in subsection (1).

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495 Minister may approve forms

The Minister may, in writing, approve a form for the purposes of a provision of this Act in which the expression "approved form" is used.

495A Minister may arrange for use of computer programs to make decisions etc.

(1) The Minister may arrange for the use, under the Minister's control, of computer programs for any purposes for which the Minister may, or must, under the designated migration law:

(a) make a decision; or

(b) exercise any power, or comply with any obligation; or

(c) do anything else related to making a decision, exercising a power, or complying with an obligation.

(2) The Minister is taken to have:

(a) made a decision; or

(b) exercised a power, or complied with an obligation; or

(c) done something else related to the making of a decision, the exercise of a power, or the compliance with an obligation;

that was made, exercised, complied with, or done (as the case requires) by the operation of a computer program under an arrangement made under subsection (1).

(3) For the purposes of this section, the following provisions are the ***designated migration law***:

(a) Subdivisions A, AA, AB and AC of Division 3 of Part 2 (other than section 48B);

(aa) section 257A;

(b) any provision of this Act or of the regulations that the Minister, by legislative instrument, determines to be part of the designated migration law.

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495B Minister may substitute more favourable decisions for certain computer-based decisions

(1) The Minister may substitute a decision (the ***substituted decision***) for a decision (the ***initial decision***) made by the operation of a computer program under an arrangement made under subsection 495A(1) if:

(a) a certificate under paragraph 271(1)(l) relates to the computer program and to the initial decision; and

(b) the certificate states that the computer program was not functioning correctly; and

(c) the substituted decision could have been made under the same provision of the designated migration law as the initial decision; and

(d) the substituted decision is more favourable to the applicant.

(2) The Minister does not have a duty to consider whether to exercise the power under subsection (1) in respect of any decision, whether he or she is requested to do so by the applicant or by any other person, or in any other circumstances.

(3) Subsection (1) has effect despite:

(a) any law of the Commonwealth; or

(b) any rule of common law;

to the contrary effect.

496 Delegation

(1) The Minister may, by writing signed by him or her, delegate to a person any of the Minister's powers under this Act.

(1A) The delegate is, in the exercise of a power delegated under subsection (1), subject to the directions of the Minister.

(2) The Secretary may, by writing signed by him or her, delegate to a person any of the Secretary's powers under this Act.

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(3) If an application for a visa that has a health criterion is made, the Minister may:

(a) delegate to a person the power to consider and decide whether that criterion is satisfied; and

(b) consider and decide, or delegate to another person the power to consider and decide, all other aspects of the application.

(4) To avoid doubt, if there is a delegation described in paragraph (3)(a) in relation to an application for a visa:

(a) Subdivision AB of Division 3 of Part 2 has effect accordingly; and

(b) for the purposes of subsection 65(1), the Minister is satisfied or not satisfied that the health criterion for the visa has been satisfied if the delegate who was given that delegation is so satisfied or not so satisfied, as the case may be.

(5) Subsection (1A) does not limit subsection 499(1).

497 Delegate not required to perform certain administrative tasks

(1) If the Minister delegates the power to grant or refuse to grant visas, the delegation does not require the delegate personally to perform any task in connection with the grant or refusal, except the taking of a decision in each case whether or not a visa should be granted.

(2) If the Minister delegates the power to cancel visas, the delegation does not require the delegate personally to perform any task in connection with the cancellation, except the taking of a decision in each case whether a visa should be cancelled.

(3) Nothing in subsection (1) or (2) shall be taken to imply that:

(a) a person on whom a power is conferred by or under this or any other Act; or

(b) a delegate of such a person;

is required personally to perform all administrative and clerical tasks connected with the exercise of the power.

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498 Exercise of powers under Act

(1) The powers conferred by or under this Act shall be exercised in accordance with any applicable regulations under this Act.

(2) Nothing in this section shall be taken to limit the operation of subsection 29(4).

499 Minister may give directions

(1) The Minister may give written directions to a person or body having functions or powers under this Act if the directions are about:

(a) the performance of those functions; or

(b) the exercise of those powers.

(1A) For example, a direction under subsection (1) could require a person or body to exercise the power under section 501 instead of the power under section 200 (as it applies because of section 201) in circumstances where both powers apply.

(2) Subsection (1) does not empower the Minister to give directions that would be inconsistent with this Act or the regulations.

(2A) A person or body must comply with a direction under subsection (1).

(3) The Minister shall cause a copy of any direction given under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after that direction was given.

(4) Subsection (1) does not limit subsection 496(1A).

500 Review of decision

(1) Applications may be made to the Administrative Appeals Tribunal for review of:

(a) decisions of the Minister under section 200 because of circumstances specified in section 201, other than decisions to which a certificate under section 502 applies; or

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(b) decisions of a delegate of the Minister under section 501 (subject to subsection (4A)); or

(ba) decisions of a delegate of the Minister under subsection 501CA(4) not to revoke a decision to cancel a visa; or

(c) a decision, other than a decision to which a certificate under section 502 applies, to refuse under section 65 to grant a protection visa, relying on:

(i) subsection 5H(2) or 36(1C); or

(ii) paragraph 36(2C)(a) or (b) of this Act.

Note: Decisions to refuse to grant a protection visa to fast track applicants are generally not reviewable by the Administrative Appeals Tribunal. However, some decisions of this kind are reviewable by that Tribunal, in the circumstances mentioned in paragraph (a), or subparagraph (b)(i) or (iii), of the definition of ***fast track decision*** in subsection 5(1).

(2) A person is not entitled to make an application under paragraph (1)(a) unless:

(a) the person is an Australian citizen; or

(b) the person is a lawful non-citizen whose continued presence in Australia is not subject to any limitation as to time imposed by law.

(3) A person is not entitled to make an application under subsection (1) for review of a decision referred to in paragraph (1)(b) or (c) unless the person would be entitled to seek review of the decision under Part 5 or 7 if the decision had been made on another ground.

(4) The following decisions are not reviewable under Part 5 or 7:

(a) a decision under section 200 because of circumstances specified in section 201;

(b) a decision under section 501;

(c) a decision to refuse to grant a protection visa, or to cancel a protection visa, relying on:

(i) subsection 5H(2) or 36(1C); or

(ii) paragraph 36(2C)(a) or (b) of this Act.

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(4A) The following decisions are not reviewable under this section, or under Part 5 or 7:

(a) a decision to refuse to grant a protection visa relying on subsection 36(1B);

(b) a decision to cancel a protection visa because of an assessment by the Australian Security Intelligence Organisation that the holder of the visa is directly or indirectly a risk to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*);

(c) a decision of a delegate of the Minister under subsection 501(3A) to cancel a visa.

(6) Where an application has been made to the Tribunal for the review of a decision under section 200 ordering the deportation of a person, the order for the deportation of the person shall not be taken for the purposes of section 253 to have ceased or to cease to be in force by reason only of any order that has been made by:

(a) the Tribunal (for example, an order under section 41 (stay orders) of the *Administrative Appeals Tribunal Act 1975*); or

(c) the Federal Court of Australia or a Judge of that Court under section 44A of that Act; or

(d) the Federal Circuit Court of Australia or a Judge of that Court under section 44A of that Act.

(6A) If a decision under section 501 of this Act, or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa, relates to a person in the migration zone, section 28 of the *Administrative Appeals Tribunal Act 1975* does not apply to the decision.

(6B) If a decision under section 501 of this Act, or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa, relates to a person in the migration zone, an application to the Tribunal for a review of the decision must be lodged with the Tribunal within 9 days after the day on which the person was notified of the decision in accordance with subsection 501G(1). Accordingly, paragraph 29(1)(d) and subsections 29(7), (8), (9)

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and (10) of the *Administrative Appeals Tribunal Act 1975* do not apply to the application.

(6C) If a decision under section 501, or a decision under subsection 501CA(4) not to revoke a decision to cancel a visa, relates to a person in the migration zone, an application to the Tribunal for a review of the decision must be accompanied by, or by a copy of:

(a) the document notifying the person of the decision in accordance with subsection 501G(1); and

(b) one of the sets of documents given to the person under subsection 501G(2) at the time of the notification of the decision.

(6D) If an application is made to the Tribunal for a review of a decision under section 501, or a decision under subsection 501CA(4) not to revoke a decision to cancel a visa, that relates to a person in the migration zone:

(a) the Registrar of the Tribunal must notify the Minister that the application has been made; and

(b) paragraph 29AC(1)(b) and section 37 of the *Administrative Appeals Tribunal Act 1975* do not apply to the decision or the application.

(6F) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 of this Act or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa; and

(b) the decision relates to a person in the migration zone;

then:

(c) the Minister must lodge with the Tribunal, within 14 days after the day on which the Minister was notified that the application had been made, a copy of every document that:

(i) is in the Minister's possession or under the Minister's control; and

(ii) was relevant to the making of the decision; and

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(iii) contains non-disclosable information; and

(d) the Tribunal may have regard to that non-disclosable information for the purpose of reviewing the decision, but must not disclose that non-disclosable information to the person making the application.

(6FA) The Tribunal may direct the Minister to lodge a specified number of additional copies of a document to which paragraph (6F)(c) applies within the period mentioned in that paragraph. The Minister must comply with the direction.

(6G) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 of this Act or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa; and

(b) the decision relates to a person in the migration zone;

the Tribunal must not:

(c) hold a hearing (other than a directions hearing); or

(d) make a decision under section 43 of the *Administrative Appeals Tribunal Act 1975*;

in relation to the decision under review until at least 14 days after the day on which the Minister was notified that the application had been made.

(6H) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 or a decision under subsection 501CA(4) not to revoke a decision to cancel a visa; and

(b) the decision relates to a person in the migration zone;

the Tribunal must not have regard to any information presented orally in support of the person's case unless the information was set out in a written statement given to the Minister at least 2 business days before the Tribunal holds a hearing (other than a directions hearing) in relation to the decision under review.

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(6J) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 or a decision under subsection 501CA(4) not to revoke a decision to cancel a visa; and

(b) the decision relates to a person in the migration zone;

the Tribunal must not have regard to any document submitted in support of the person's case unless a copy of the document was given to the Minister at least 2 business days before the Tribunal holds a hearing (other than a directions hearing) in relation to the decision under review. However, this does not apply to documents given to the person or Tribunal under subsection 501G(2) or subsection (6F) of this section.

(6K) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 of this Act or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa; and

(b) the decision relates to a person in the migration zone; and

(c) the Tribunal is of the opinion that particular documents, or documents included in a particular class of documents, may be relevant in relation to the decision under review;

then:

(d) the Tribunal may cause to be served on the Minister a notice in writing stating that the Tribunal is of that opinion and requiring the Minister to lodge with the Tribunal, within a time specified in the notice, a copy, or the number of copies specified in the notice, of each of those documents that is in the Minister's possession or under the Minister's control; and

(e) the Minister must comply with any such notice.

(6L) If:

(a) an application is made to the Tribunal for a review of a decision under section 501 of this Act or a decision under subsection 501CA(4) of this Act not to revoke a decision to cancel a visa; and

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(b) the decision relates to a person in the migration zone; and

(c) the Tribunal has not made a decision under section 42A, 42B, 42C or 43 of the *Administrative Appeals Tribunal Act 1975* in relation to the decision under review within the period of 84 days after the day on which the person was notified of the decision under review in accordance with subsection 501G(1);

the Tribunal is taken, at the end of that period, to have made a decision under section 43 of the *Administrative Appeals Tribunal Act 1975* to affirm the decision under review.

(7) In this section, ***decision*** has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

(8) In this section:

business day means a day that is not:

(a) a Saturday; or

(b) a Sunday; or

(c) a public holiday in the Australian Capital Territory; or

(d) a public holiday in the place concerned.

500A Refusal or cancellation of temporary safe haven visas

Refusal or cancellation of temporary safe haven visas

(1) The Minister may refuse to grant to a person a temporary safe haven visa, or may cancel a person's temporary safe haven visa if, in the Minister's opinion:

(a) the person has or has had an association with someone else, or with a group or organisation, whom the Minister reasonably suspects has been or is involved in criminal conduct; or

(b) having regard to either or both of the following:

(i) the person's past and present criminal conduct;

(ii) the person's past and present general conduct;

the person is not of good character; or

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(c) in the event the person were allowed to enter or to remain in Australia, there is a significant risk that the person would:
  (i) engage in criminal conduct in Australia; or
  (ii) harass, molest, intimidate or stalk another person in Australia (see subsection (2)); or
  (iii) vilify a segment of the Australian community; or
  (iv) incite discord in the Australian community or in a segment of that community; or
  (v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way; or
(d) the person is a threat to national security; or
(e) the person's presence in Australia would prejudice Australia's international relations.

(2) For the purposes of subsection (1), conduct may amount to harassment or molestation of a person even though:
(a) it does not involve violence, or threatened violence, to the person; or
(b) it consists only of damage, or threatened damage, to property belonging to, in the possession of, or used by, the person.

Refusal or cancellation of temporary safe haven visas

(3) The Minister may refuse to grant to a person a temporary safe haven visa, or may cancel a person's temporary safe haven visa if:
(a) the person has been sentenced to death (see subsection (4)); or
(b) the person has been sentenced to imprisonment for life (see subsection (4)); or
(c) the person has been sentenced to a term of imprisonment of 12 months or more (see subsections (4) and (5)); or
(d) the person has been convicted of an offence that was committed:

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(i) while the person was in immigration detention; or
(ii) during an escape by the person from immigration detention; or
(iii) after the person escaped from immigration detention but before the person was taken into immigration detention again; or

(e) the person has been convicted of an offence against section 197A.

(4) For the purposes of subsection (3), a sentence imposed on a person, or the conviction of a person for an offence, is to be disregarded if:
(a) the conviction concerned has been quashed or otherwise nullified; or
(b) the person has been pardoned in relation to the conviction concerned.

(5) For the purposes of subsection (3), if a person has been convicted of an offence and the court orders the person to participate in:
(a) a residential drug rehabilitation scheme; or
(b) a residential program for the mentally ill;
the person is taken to have been sentenced to a term of imprisonment equal to the number of days the person is required to participate in the scheme or program.

Minister to exercise power personally

(6) The powers under subsections (1) and (3) may only be exercised by the Minister personally.

Minister to table decision

(7) If the Minister makes a decision under subsection (1) or (3) to refuse to grant, or to cancel, a temporary safe haven visa, the Minister is to cause to be laid before each House of the Parliament a statement that:
(a) sets out the decision; and
(b) sets out the reasons for the decision.

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(8) A statement under subsection (7) is not to include:
  (a) the name of the non-citizen; or
  (b) any information that may identify the non-citizen; or
  (c) if the Minister thinks that it would not be in the public interest to publish the name of another person connected in any way with the matter concerned—the name of that other person or any information that may identify that other person.

(9) A statement under subsection (7) is to be laid before each House of the Parliament within 15 sitting days of that House after:
  (a) if the decision is made between 1 January and 30 June (inclusive) in a year—1 July in that year; or
  (b) if the decision is made between 1 July and 31 December (inclusive) in a year—1 January in the following year.

Minister to notify person of decision

(10) If the Minister makes a decision under subsection (1) or (3) to refuse to grant a person a temporary safe haven visa, or to cancel a person's temporary safe haven visa, the Minister must notify the person of the decision. However, failure to do so does not affect the validity of the decision.

Natural justice and code of procedure not to apply to decision

(11) The rules of natural justice, and the code of procedure set out in Subdivision AB of Division 3 of Part 2, do not apply to a decision under subsection (1) or (3).

Automatic refusal to grant visa to an immediate family member

(12) If the Minister refuses to grant a person a temporary safe haven visa under subsection (1) or (3), then the Minister is also taken to have refused to grant a temporary safe haven visa to each immediate family member of the person. The immediate family member need not be notified of the refusal.

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Automatic cancellation of immediate family member's visa

(13) If a person's temporary safe haven visa is cancelled under subsection (1) or (3), then a temporary safe haven visa held by each immediate family member of the person is also cancelled. The immediate family member need not be notified of the cancellation.

Definitions

(14) In this section:

court includes a court martial or similar military tribunal.

immediate family member of a person means another person who is a member of the immediate family of the person (within the meaning of the regulations).

imprisonment includes any form of punitive detention in a facility or institution.

sentence includes any form of determination of the punishment for an offence.

501 Refusal or cancellation of visa on character grounds

Decision of Minister or delegate—natural justice applies

(1) The Minister may refuse to grant a visa to a person if the person does not satisfy the Minister that the person passes the character test.

Note: ***Character test*** is defined by subsection (6).

(2) The Minister may cancel a visa that has been granted to a person if:
(a) the Minister reasonably suspects that the person does not pass the character test; and
(b) the person does not satisfy the Minister that the person passes the character test.

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Decision of Minister—natural justice does not apply

(3) The Minister may:

(a) refuse to grant a visa to a person; or

(b) cancel a visa that has been granted to a person;

if:

(c) the Minister reasonably suspects that the person does not pass the character test; and

(d) the Minister is satisfied that the refusal or cancellation is in the national interest.

(3A) The Minister must cancel a visa that has been granted to a person if:

(a) the Minister is satisfied that the person does not pass the character test because of the operation of:

(i) paragraph (6)(a) (substantial criminal record), on the basis of paragraph (7)(a), (b) or (c); or

(ii) paragraph (6)(e) (sexually based offences involving a child); and

(b) the person is serving a sentence of imprisonment, on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a State or a Territory.

(3B) Subsection (3A) does not limit subsections (2) and (3).

(4) The power under subsection (3) may only be exercised by the Minister personally.

(5) The rules of natural justice, and the code of procedure set out in Subdivision AB of Division 3 of Part 2, do not apply to a decision under subsection (3) or (3A).

Character test

(6) For the purposes of this section, a person does not pass the ***character test*** if:

(a) the person has a substantial criminal record (as defined by subsection (7)); or

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(aa) the person has been convicted of an offence that was committed:
  (i) while the person was in immigration detention; or
  (ii) during an escape by the person from immigration detention; or
  (iii) after the person escaped from immigration detention but before the person was taken into immigration detention again; or

(ab) the person has been convicted of an offence against section 197A; or

(b) the Minister reasonably suspects:
  (i) that the person has been or is a member of a group or organisation, or has had or has an association with a group, organisation or person; and
  (ii) that the group, organisation or person has been or is involved in criminal conduct; or

(ba) the Minister reasonably suspects that the person has been or is involved in conduct constituting one or more of the following:
  (i) an offence under one or more of sections 233A to 234A (people smuggling);
  (ii) an offence of trafficking in persons;
  (iii) the crime of genocide, a crime against humanity, a war crime, a crime involving torture or slavery or a crime that is otherwise of serious international concern;

whether or not the person, or another person, has been convicted of an offence constituted by the conduct; or

(c) having regard to either or both of the following:
  (i) the person's past and present criminal conduct;
  (ii) the person's past and present general conduct;

the person is not of good character; or

(d) in the event the person were allowed to enter or to remain in Australia, there is a risk that the person would:
  (i) engage in criminal conduct in Australia; or

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(ii) harass, molest, intimidate or stalk another person in Australia; or

(iii) vilify a segment of the Australian community; or

(iv) incite discord in the Australian community or in a segment of that community; or

(v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way; or

(e) a court in Australia or a foreign country has:

(i) convicted the person of one or more sexually based offences involving a child; or

(ii) found the person guilty of such an offence, or found a charge against the person proved for such an offence, even if the person was discharged without a conviction; or

(f) the person has, in Australia or a foreign country, been charged with or indicted for one or more of the following:

(i) the crime of genocide;

(ii) a crime against humanity;

(iii) a war crime;

(iv) a crime involving torture or slavery;

(v) a crime that is otherwise of serious international concern; or

(g) the person has been assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*); or

(h) an Interpol notice in relation to the person, from which it is reasonable to infer that the person would present a risk to the Australian community or a segment of that community, is in force.

Otherwise, the person passes the ***character test***.

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Substantial criminal record

(7) For the purposes of the character test, a person has a ***substantial criminal record*** if:

(a) the person has been sentenced to death; or

(b) the person has been sentenced to imprisonment for life; or

(c) the person has been sentenced to a term of imprisonment of 12 months or more; or

(d) the person has been sentenced to 2 or more terms of imprisonment, where the total of those terms is 12 months or more; or

(e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution; or

(f) the person has:

(i) been found by a court to not be fit to plead, in relation to an offence; and

(ii) the court has nonetheless found that on the evidence available the person committed the offence; and

(iii) as a result, the person has been detained in a facility or institution.

Concurrent sentences

(7A) For the purposes of the character test, if a person has been sentenced to 2 or more terms of imprisonment to be served concurrently (whether in whole or in part), the whole of each term is to be counted in working out the total of the terms.

Example: A person is sentenced to 2 terms of 3 months imprisonment for 2 offences, to be served concurrently. For the purposes of the character test, the total of those terms is 6 months.

Periodic detention

(8) For the purposes of the character test, if a person has been sentenced to periodic detention, the person's term of imprisonment is taken to be equal to the number of days the person is required under that sentence to spend in detention.

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Residential schemes or programs

(9) For the purposes of the character test, if a person has been convicted of an offence and the court orders the person to participate in:

(a) a residential drug rehabilitation scheme; or

(b) a residential program for the mentally ill;

the person is taken to have been sentenced to a term of imprisonment equal to the number of days the person is required to participate in the scheme or program.

Pardons etc.

(10) For the purposes of the character test, a sentence imposed on a person, or the conviction of a person for an offence, is to be disregarded if:

(a) the conviction concerned has been quashed or otherwise nullified; or

(b) both:

(i) the person has been pardoned in relation to the conviction concerned; and

(ii) the effect of that pardon is that the person is taken never to have been convicted of the offence.

Conduct amounting to harassment or molestation

(11) For the purposes of the character test, conduct may amount to harassment or molestation of a person even though:

(a) it does not involve violence, or threatened violence, to the person; or

(b) it consists only of damage, or threatened damage, to property belonging to, in the possession of, or used by, the person.

Definitions

(12) In this section:

court includes a court martial or similar military tribunal.

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imprisonment includes any form of punitive detention in a facility or institution.

sentence includes any form of determination of the punishment for an offence.

Note 1: ***Visa*** is defined by section 5 and includes, but is not limited to, a protection visa.

Note 2: For notification of decisions under subsection (1) or (2), see section 501G.

Note 3: For notification of decisions under subsection (3), see section 501C.

501A Refusal or cancellation of visa—setting aside and substitution of non-adverse decision under subsection 501(1) or (2)

(1) This section applies if:

(a) a delegate of the Minister; or

(b) the Administrative Appeals Tribunal;

makes a decision (the ***original decision***):

(c) not to exercise the power conferred by subsection 501(1) to refuse to grant a visa to the person; or

(d) not to exercise the power conferred by subsection 501(2) to cancel a visa that has been granted to a person;

whether or not the person satisfies the delegate or Tribunal that the person passes the character test and whether or not the delegate or Tribunal reasonably suspects that the person does not pass the character test.

Action by Minister—natural justice applies

(2) The Minister may set aside the original decision and:

(a) refuse to grant a visa to the person; or

(b) cancel a visa that has been granted to the person;

if:

(c) the Minister reasonably suspects that the person does not pass the character test (as defined by section 501); and

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(d) the person does not satisfy the Minister that the person passes the character test; and

(e) the Minister is satisfied that the refusal or cancellation is in the national interest.

Action by Minister—natural justice does not apply

(3) The Minister may set aside the original decision and:

(a) refuse to grant a visa to the person; or

(b) cancel a visa that has been granted to the person;

if:

(c) the Minister reasonably suspects that the person does not pass the character test (as defined by section 501); and

(d) the Minister is satisfied that the refusal or cancellation is in the national interest.

(4) The rules of natural justice, and the code of procedure set out in Subdivision AB of Division 3 of Part 2, do not apply to a decision under subsection (3).

(4A) Under subsection (2) or (3), the Minister may cancel a visa that has been granted to a person even if the original decision under subsection (1) was a decision not to exercise the power conferred by subsection 501(1) to refuse to grant a visa to the person.

Minister's exercise of power

(5) The power under subsection (2) or (3) may only be exercised by the Minister personally.

(6) The Minister does not have a duty to consider whether to exercise the power under subsection (2) or (3) in respect of the original decision, whether or not the Minister is requested to do so, or in any other circumstances.

Decision not reviewable under Part 5 or 7

(7) A decision under subsection (2) or (3) is not reviewable under Part 5 or 7.

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Note 1: For notification of decisions under subsection (2), see section 501G.

Note 2: For notification of decisions under subsection (3), see section 501C.

501B Refusal or cancellation of visa—setting aside and substitution of adverse decision under subsection 501(1) or (2)

(1) This section applies if a delegate of the Minister makes a decision (the ***original decision***) under subsection 501(1) or (2) to refuse to grant a visa to a person or to cancel a visa that has been granted to a person.

(2) The Minister may set aside the original decision and:

(a) refuse to grant a visa to the person; or

(b) cancel a visa that has been granted to the person;

if:

(c) the Minister reasonably suspects that the person does not pass the character test (as defined by section 501); and

(d) the person does not satisfy the Minister that the person passes the character test; and

(e) the Minister is satisfied that the refusal or cancellation is in the national interest.

(3) The power under subsection (2) may only be exercised by the Minister personally.

(4) A decision under subsection (2) is not reviewable under Part 5 or 7.

(5) To avoid doubt, the Minister may set aside the original decision in accordance with subsection (2) even if the original decision is the subject of an application for review by the Administrative Appeals Tribunal.

Note: For notification of decisions under this section, see section 501G.

501BA Cancellation of visa—setting aside and substitution of non-adverse decision under section 501CA

(1) This section applies if:

(a) a delegate of the Minister; or

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(b) the Administrative Appeals Tribunal;

makes a decision under section 501CA (the ***original decision***) to revoke a decision under subsection 501(3A) to cancel a visa that has been granted to a person.

Action by Minister—natural justice does not apply

(2) The Minister may set aside the original decision and cancel a visa that has been granted to the person if:

(a) the Minister is satisfied that the person does not pass the character test because of the operation of:

(i) paragraph 501(6)(a), on the basis of paragraph 501(7)(a), (b) or (c); or

(ii) paragraph 501(6)(e); and

(b) the Minister is satisfied that the cancellation is in the national interest.

(3) The rules of natural justice do not apply to a decision under subsection (2).

Minister's exercise of power

(4) The power under subsection (2) may only be exercised by the Minister personally.

Decision not reviewable under Part 5 or 7

(5) A decision under subsection (2) is not reviewable under Part 5 or 7.

Note: For notification of decisions under subsection (2), see section 501G.

501C Refusal or cancellation of visa—revocation of decision under subsection 501(3) or 501A(3)

(1) This section applies if the Minister makes a decision (the ***original decision***) under subsection 501(3) or 501A(3) to:

(a) refuse to grant a visa to a person; or

(b) cancel a visa that has been granted to a person.

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(2) For the purposes of this section, ***relevant information*** is information (other than non-disclosable information) that the Minister considers:

(a) would be the reason, or a part of the reason, for making the original decision; and

(b) is specifically about the person or another person and is not just about a class of persons of which the person or other person is a member.

(3) As soon as practicable after making the original decision, the Minister must:

(a) give the person, in the way that the Minister considers appropriate in the circumstances:

(i) a written notice that sets out the original decision; and

(ii) particulars of the relevant information; and

(b) except in a case where the person is not entitled to make representations about revocation of the original decision (see subsection (10))—invite the person to make representations to the Minister, within the period and in the manner ascertained in accordance with the regulations, about revocation of the original decision.

(4) The Minister may revoke the original decision if:

(a) the person makes representations in accordance with the invitation; and

(b) the person satisfies the Minister that the person passes the character test (as defined by section 501).

(5) The power under subsection (4) may only be exercised by the Minister personally.

(6) If the Minister revokes the original decision, the original decision is taken not to have been made. This subsection has effect subject to subsection (7).

(7) Any detention of the person that occurred during any part of the period:

(a) beginning when the original decision was made; and

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(b) ending at the time of the revocation of the original decision;

is lawful and the person is not entitled to make any claim against the Commonwealth, an officer or any other person because of the detention.

(8) If the Minister makes a decision (the ***subsequent decision***) to revoke, or not to revoke, the original decision, the Minister must cause notice of the making of the subsequent decision to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the subsequent decision was made.

(9) If the person does not make representations in accordance with the invitation, the Minister must cause notice of that fact to be laid before each House of the Parliament within 15 sitting days of that House after the last day on which the representations could have been made.

(10) The regulations may provide that, for the purposes of this section:

(a) a person; or

(b) a person included in a specified class of persons;

is not entitled to make representations about revocation of an original decision unless the person is a detainee.

(11) A decision not to exercise the power conferred by subsection (4) is not reviewable under Part 5 or 7.

501CA Cancellation of visa—revocation of decision under subsection 501(3A) (person serving sentence of imprisonment)

(1) This section applies if the Minister makes a decision (the ***original decision***) under subsection 501(3A) (person serving sentence of imprisonment) to cancel a visa that has been granted to a person.

(2) For the purposes of this section, ***relevant information*** is information (other than non-disclosable information) that the Minister considers:

(a) would be the reason, or a part of the reason, for making the original decision; and

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(b) is specifically about the person or another person and is not just about a class of persons of which the person or other person is a member.

(3) As soon as practicable after making the original decision, the Minister must:

(a) give the person, in the way that the Minister considers appropriate in the circumstances:

(i) a written notice that sets out the original decision; and

(ii) particulars of the relevant information; and

(b) invite the person to make representations to the Minister, within the period and in the manner ascertained in accordance with the regulations, about revocation of the original decision.

(4) The Minister may revoke the original decision if:

(a) the person makes representations in accordance with the invitation; and

(b) the Minister is satisfied:

(i) that the person passes the character test (as defined by section 501); or

(ii) that there is another reason why the original decision should be revoked.

(5) If the Minister revokes the original decision, the original decision is taken not to have been made.

(6) Any detention of the person that occurred during any part of the period:

(a) beginning when the original decision was made; and

(b) ending at the time of the revocation of the original decision;

is lawful and the person is not entitled to make any claim against the Commonwealth, an officer or any other person because of the detention.

(7) A decision not to exercise the power conferred by subsection (4) is not reviewable under Part 5 or 7.

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Note: For notification of decisions under subsection (4) to not revoke, see section 501G.

501D Refusal or cancellation of visa—method of satisfying Minister that person passes the character test

The regulations may provide that, in determining for the purposes of section 501, 501A or 501B, whether:

(a) a person; or

(b) a person included in a specified class of persons;

satisfies the Minister that the person passes the character test (as defined by section 501), any information or material submitted by or on behalf of the person must not be considered by the Minister unless the information or material is submitted within the period, and in the manner, ascertained in accordance with the regulations.

501E Refusal or cancellation of visa—prohibition on applying for other visas

(1) A person is not allowed to make an application for a visa, or have an application for a visa made on the person's behalf, at a particular time (the ***application time***) that occurs during a period throughout which the person is in the migration zone if:

(a) at an earlier time during that period, the Minister made a decision under section 501, 501A, 501B or 501BA to refuse to grant a visa to the person or to cancel a visa that has been granted to the person; and

(b) the decision was neither set aside nor revoked before the application time.

(1A) In relation to the Minister's decision to refuse to grant a visa to the person, as mentioned in paragraph (1)(a), it does not matter whether:

(a) the application for the visa was made on the person's behalf; or

(b) the person knew about, or understood the nature of, the application for the visa due to:

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(i) any mental impairment; or
(ii) the fact that the person was, at the time the application was made, a minor.

(1B) In paragraph (1)(a) and subsection (1A), a reference to a refusal to grant a visa, or to the cancellation of a visa, includes a reference to such a refusal or cancellation in relation to a visa for which an application is taken to have been made by the operation of this Act or a regulation.

(2) Subsection (1) does not prevent a person, at the application time, from making an application for:
(a) a protection visa; or
(b) a visa specified in the regulations for the purposes of this subsection.

Note: The person may however be prevented from applying for a protection visa because of section 48A.

(3) Subsection (1) does not prevent a person, at the application time, from making an application for a visa if, before the application time, the Minister had, acting personally, granted a permanent visa to the person.

(4) Subsection (1) does not prevent a person, at the application time, from making an application for a visa if:
(a) before the application time, the person was granted a visa of a kind referred to in subsection (2) or (3); and
(b) the person would, but for the operation of subsection (2) or (3), have been prevented from applying for that visa.

501F Refusal or cancellation of visa—refusal of other visa applications and cancellation of other visas

(1) This section applies if the Minister makes a decision under section 501, 501A, 501B or 501BA to refuse to grant a visa to a person or to cancel a visa that has been granted to a person.

(2) If:

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(a) the person has made another visa application that has neither been granted nor refused; and

(b) the visa applied for is neither a protection visa nor a visa specified in the regulations for the purposes of this subsection;

the Minister is taken to have decided to refuse that other application.

(3) If:

(a) the person holds another visa; and

(b) that other visa is neither a protection visa nor a visa specified in the regulations for the purposes of this subsection;

the Minister is taken to have decided to cancel that other visa.

(4) If the decision referred to in subsection (1) is set aside or revoked, the decision that the Minister is taken to have made under subsection (2) or (3) is also set aside or revoked, as the case may be.

(5) A decision that the Minister is taken to have made under subsection (2) or (3) is not reviewable under Part 5 or 7.

Note: For notification of decisions under this section, see section 501G.

501G Refusal or cancellation of visa—notification of decision

(1) If a decision is made under subsection 501(1) or (2) or 501A(2) or section 501B, 501BA, 501CA or 501F to:

(a) refuse to grant a visa to a person; or

(b) cancel a visa that has been granted to a person; or

(ba) not revoke a decision to cancel a visa that has been granted to a person;

the Minister must give the person a written notice that:

(c) sets out the decision; and

(d) specifies the provision under which the decision was made and sets out the effect of that provision; and

(e) sets out the reasons (other than non-disclosable information) for the decision; and

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(f) if the decision was made by a delegate of the Minister under subsection 501(1) or (2), or section 501CA and the person has a right to have the decision reviewed by the Administrative Appeals Tribunal:

(i) states that the decision can be reviewed by the Tribunal; and

(ii) states the time in which the application for review may be made; and

(iii) states who can apply to have the decision reviewed; and

(iv) states where the application for review can be made; and

(v) in a case where the decision relates to a person in the migration zone—sets out the effect of subsections 500(6A) to (6L) (inclusive); and

(vi) sets out such additional information (if any) as is prescribed.

(2) If the decision referred to in subsection (1):

(a) was made by a delegate of the Minister under subsection 501(1) or (2), or section 501CA; and

(b) is reviewable by the Administrative Appeals Tribunal; and

(c) relates to a person in the migration zone;

the notice under subsection (1) that relates to the decision must be accompanied by 2 copies of every document, or part of a document, that:

(d) is in the delegate's possession or under the delegate's control; and

(e) was relevant to the making of the decision; and

(f) does not contain non-disclosable information.

(3) A notice under subsection (1) must be given in the prescribed manner.

(4) A failure to comply with this section in relation to a decision does not affect the validity of the decision.

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501H Refusal or cancellation of visa—miscellaneous provisions

Additional powers

(1) A power under section 501, 501A, 501B or 501BA to refuse to grant a visa to a person, or to cancel a visa that has been granted to a person, is in addition to any other power under this Act, as in force from time to time, to refuse to grant a visa to a person, or to cancel a visa that has been granted to a person.

Cross-references to decisions under section 501

(2) A reference in Part 5 to a decision made under section 501 includes a reference to a decision made under section 501A, 501B, 501BA, 501C or 501F.

501HA Application of sections 501 to 501H to transitional (permanent) visas and transitional (temporary) visas

If, under the Migration Reform (Transitional Provisions) Regulations, a person:

(a) held a permanent return visa, permanent entry permit or permanent visa that continues in effect as a transitional (permanent) visa; or

(b) held a temporary entry permit or temporary visa that continues in effect as a transitional (temporary) visa; or

(c) is taken to hold a transitional (permanent) visa;

the person is also taken, for the purposes of sections 501 to 501H, to have been granted a visa.

501J Refusal or cancellation of protection visa—Minister may substitute more favourable decision

(1) If the Minister thinks that it is in the public interest to do so, the Minister may set aside an AAT protection visa decision and substitute another decision that is more favourable to the applicant in the review, whether or not the Administrative Appeals Tribunal had the power to make that other decision.

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(2) For the purposes of this section, an ***AAT protection visa decision*** is a decision of the Administrative Appeals Tribunal in relation to an application for, or the cancellation of, a protection visa.

(3) In exercising the power under subsection (1), the Minister is not bound by Subdivision AA or AC of Division 3 of Part 2 or by the regulations, but is bound by all other provisions of this Act.

(4) The power under subsection (1) may only be exercised by the Minister personally.

(5) If the Minister substitutes a decision under subsection (1), the Minister must cause to be laid before each House of the Parliament a statement that:
  (a) sets out the decision of the Administrative Appeals Tribunal; and
  (b) sets out the decision substituted by the Minister; and
  (c) sets out the reasons for the Minister's decision, referring in particular to the Minister's reasons for thinking that his or her actions are in the public interest.

(6) A statement made under subsection (5) is not to include:
  (a) the name of the applicant; or
  (b) any information that may identify the applicant; or
  (c) if the Minister thinks that it would not be in the public interest to publish the name of another person connected in any way with the matter concerned—the name of that other person or any information that may identify that other person.

(7) A statement under subsection (5) is to be laid before each House of the Parliament within 15 sitting days of that House after:
  (a) if the decision is made between 1 January and 30 June (inclusive) in a year—1 July in that year; or
  (b) if a decision is made between 1 July and 31 December (inclusive) in a year—1 January in the following year.

(8) The Minister does not have a duty to consider whether to exercise the power under subsection (1) in respect of any decision, whether

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he or she is requested to do so by the applicant or by any other person, or in any other circumstances.

501K Identity of applicants for protection visas not to be published by the Administrative Appeals Tribunal

(1) This section applies to a review by the Administrative Appeals Tribunal if the review relates to a person in the person's capacity as:

(a) a person who applied for a protection visa; or

(b) a person who applied for a protection-related bridging visa; or

(c) a person whose protection visa has been cancelled; or

(d) a person whose protection-related bridging visa has been cancelled.

(2) The Administrative Appeals Tribunal must not publish (in electronic form or otherwise), in relation to the review, any information which may identify:

(a) the person; or

(b) any relative or other dependant of the person.

Note: Section 5G may be relevant for determining relationships for the purposes of this subsection.

(3) In this section:

application for a protection-related bridging visa means an application for a bridging visa, where the applicant for the bridging visa is, or has been, an applicant for a protection visa.

protection-related bridging visa means a bridging visa granted as a result of an application for a protection-related bridging visa.

501L Disclosure of information to the Minister

(1) The Minister may, by written notice, require the head of an agency of a State or Territory to disclose to the Minister personal information that:

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(a) is of a kind specified in the notice; and
(b) relates to a person, or to a person included in a class of persons, specified in the notice.

(2) The Minister must not give a notice under subsection (1) to the head of an agency of a State or Territory unless the Minister reasonably believes:
(a) that the head of the agency has, or can reasonably acquire, the information; and
(b) the information is relevant for the purposes of considering whether:
(i) a person satisfies the Minister that the person passes the character test (as defined in section 501); or
(ii) the Minister reasonably suspects, or is satisfied, that a person does not pass the character test.

(3) The head of an agency of a State or Territory who is given a notice under subsection (1) must, as soon as practicable after the notice is given, comply with the notice to the extent that he or she has, or can reasonably acquire, the information specified in the notice.

(4) Despite subsection (3), the registrar (however described) of a court of a State or Territory is not required to comply with a notice under subsection (1) to the extent that the information specified in the notice, in relation to a person specified in the notice, is information that relates to proceedings that have not been finally determined by the court.

(5) The head of an agency of a State or Territory is not excused from complying with a notice under subsection (1) on the ground that disclosing the information specified in the notice would contravene a law of the Commonwealth, a State or a Territory that:
(a) primarily relates to the protection of the privacy of individuals; and
(b) prohibits or regulates the use or disclosure of personal information.

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Immunity from suit

(6) A person is not liable to:

(a) any proceedings for contravening a provision of a law referred to in subsection (5); or

(b) civil proceedings for loss, damage or injury of any kind suffered by another person;

merely because the person gives information to the Minister for the purposes of ensuring that the head of an agency of a State or Territory complies with a notice under subsection (1).

(7) In this section:

agency of a State or Territory includes the following:

(a) the Crown in right of a State or Territory;

(b) a Minister of a State or Territory;

(c) a State or Territory government department;

(d) an instrumentality of a State or Territory, including a body corporate established for a public purpose by or under a law of a State or Territory;

(e) a company in which a controlling interest is held by any one of the following persons, or by 2 or more of the following persons together:

(i) the Crown in right of a State or Territory;

(ii) a person or body covered by paragraph (b) or (d);

(f) a State or Territory court;

(g) a State or Territory tribunal;

(h) a State or Territory parole board.

head of an agency means:

(a) if the agency is a State or Territory court—the registrar (however described) of the court; or

(b) otherwise—the principal officer (however described) of the agency.

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502 Minister may decide in the national interest that certain persons are to be excluded persons

(1) If:

(a) the Minister, acting personally, intends to make a decision:

(i) under section 200 because of circumstances specified in section 201; or

(ii) to refuse under section 65 to grant a protection visa relying on subsection 5H(2) or 36(1C);

in relation to a person; and

(b) the Minister decides that, because of the seriousness of the circumstances giving rise to the making of that decision, it is in the national interest that the person be declared to be an excluded person;

the Minister may, as part of the decision, include a certificate declaring the person to be an excluded person.

(2) A decision under subsection (1) must be taken by the Minister personally.

(3) If the Minister makes a decision under subsection (1), the Minister must cause notice of the making of the decision to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the decision was made.

503 Exclusion of certain persons from Australia

(1) A person in relation to whom a decision has been made:

(a) under section 200 because of circumstances specified in section 201; or

(b) under section 501, 501A, 501B or 501BA; or

(c) to refuse under section 65 to grant a protection visa relying on subsection 5H(2) or 36(1C);

is not entitled to enter Australia or to be in Australia at any time during the period determined under the regulations.

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(2) The period referred to in subsection (1) commences, in the case of a person who has been deported or removed from Australia, when the person is so deported or removed.

(3) Different periods may be prescribed under subsection (1) in relation to different situations.

(4) This section does not apply to a holder of a criminal justice visa or to a holder of a permanent visa that was granted by the Minister acting personally.

503A Protection of information supplied by law enforcement agencies or intelligence agencies

(1) If information is communicated to an authorised migration officer by a gazetted agency on condition that it be treated as confidential information and the information is relevant to the exercise of a power under section 501, 501A, 501B, 501BA, 501C or 501CA:

(a) the officer must not divulge or communicate the information to another person, except where:

(i) the other person is the Minister or an authorised migration officer; and

(ii) the information is divulged or communicated for the purposes of the exercise of a power under section 501, 501A, 501B, 501BA, 501C or 501CA; and

(b) an authorised migration officer to whom information has been communicated in accordance with paragraph (a) or this paragraph must not divulge or communicate the information to another person, except where:

(i) the other person is the Minister or an authorised migration officer; and

(ii) the information is divulged or communicated for the purposes of the exercise of a power under section 501, 501A, 501B, 501BA, 501C or 501CA.

Note: ***Authorised migration officer*** and ***gazetted agency*** are defined by subsection (9).

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(2) If:

(a) information is communicated to an authorised migration officer by a gazetted agency on condition that it be treated as confidential information and the information is relevant to the exercise of a power under section 501, 501A, 501B, 501BA, 501C or 501CA; or

(b) information is communicated to the Minister or an authorised migration officer in accordance with paragraph (1)(a) or (b);

then:

(c) the Minister or officer must not be required to divulge or communicate the information to a court, a tribunal, a parliament or parliamentary committee or any other body or person; and

(d) if the information was communicated to an authorised migration officer—the officer must not give the information in evidence before a court, a tribunal, a parliament or parliamentary committee or any other body or person.

(3) The Minister may, by writing, declare that subsection (1) or (2) does not prevent the disclosure of specified information in specified circumstances to a specified Minister, a specified Commonwealth officer, a specified court or a specified tribunal. However, before making the declaration, the Minister must consult the gazetted agency from which the information originated.

Note: ***Commonwealth officer*** is defined by subsection (9).

(3A) The Minister does not have a duty to consider whether to exercise the Minister's power under subsection (3).

(4) If a person divulges or communicates particular information to a Commonwealth officer in accordance with a declaration under subsection (3), the officer must comply with such conditions relating to the disclosure by the officer of the information as are specified in the declaration.

(4A) If a person divulges or communicates particular information to a Commonwealth officer in accordance with a declaration under subsection (3):

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(a) the officer must not be required to divulge or communicate the information to the Federal Court or the Federal Circuit Court; and

(b) the officer must not give the information in evidence before the Federal Court or the Federal Circuit Court.

The information may only be considered by the Federal Court or the Federal Circuit Court if a fresh disclosure of the information is made in accordance with:

(c) a declaration under subsection (3); or

(d) subsection 503B(6).

(5) If a person divulges or communicates particular information to a tribunal in accordance with a declaration under subsection (3), the member or members of the tribunal must not divulge or communicate the information to any person (other than the Minister or a Commonwealth officer).

(5A) If a person divulges or communicates particular information to a tribunal in accordance with a declaration under subsection (3):

(a) the member or members of the tribunal must not be required to divulge or communicate the information to the Federal Court or the Federal Circuit Court; and

(b) the member or members of the tribunal must not give the information in evidence before the Federal Court or the Federal Circuit Court.

The information may only be considered by the Federal Court or the Federal Circuit Court if a fresh disclosure of the information is made in accordance with:

(c) a declaration under subsection (3); or

(d) subsection 503B(6).

(6) This section has effect despite anything in:

(a) any other provision of this Act (other than sections 503B and 503C); and

(b) any law (whether written or unwritten) of a State or a Territory.

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(7) To avoid doubt, if information is divulged or communicated:

(a) in accordance with paragraph (1)(a) or (b); or

(b) in accordance with a declaration under subsection (3);

the divulging or communication, as the case may be, is taken, for the purposes of the Australian Privacy Principles, to be authorised by this Act.

(8) If any Act (whether passed before or after the commencement of this section) provides for information to be given, that Act has effect subject to this section unless that Act expressly provides otherwise.

Note: This section is specified in Schedule 3 to the *Freedom of Information Act 1982* with the effect that documents containing information protected from disclosure by this section are exempt documents under that Act.

(9) In this section:

Australian law enforcement or intelligence body means a body, agency or organisation that is responsible for, or deals with, law enforcement, criminal intelligence, criminal investigation, fraud or security intelligence in, or in a part of, Australia.

authorised migration officer means a Commonwealth officer whose duties consist of, or include, the performance of functions, or the exercise of powers, under this Act.

Commonwealth officer has the same meaning as in section 70 of the *Crimes Act 1914*.

Note: A Minister is not a Commonwealth officer.

foreign law enforcement body means a body, agency or organisation that is responsible for, or deals with, law enforcement, criminal intelligence, criminal investigation, fraud or security intelligence in a foreign country or a part of a foreign country.

gazetted agency means:

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(a) in the case of an Australian law enforcement or intelligence body—a body specified in a notice published by the Minister in the *Gazette*; or

(b) in the case of a foreign law enforcement body—a body in a foreign country, or a part of a foreign country, that is a foreign country, or part of a foreign country, specified in a notice published by the Minister in the *Gazette*; or

(c) a war crimes tribunal established by or under international arrangements or international law.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

503B Protection of confidential information disclosed to Federal Court or Federal Circuit Court—permanent non-disclosure orders

Court may make non-disclosure orders

(1) If:

(a) either:

(i) information is communicated to an authorised migration officer by a gazetted agency on condition that it be treated as confidential information and the information is relevant to the exercise of a power under section 501, 501A, 501B, 501BA, 501C or 501CA; or

(ii) information is communicated to the Minister or an authorised migration officer in accordance with paragraph 503A(1)(a) or (b); and

(b) the information is relevant to proceedings (the ***substantive proceedings***) before the Federal Court or the Federal Circuit Court that relate to section 501, 501A, 501B, 501BA, 501C or 501CA; and

(c) no declaration is in force under subsection 503A(3) authorising the disclosure of the information to the Federal Court or the Federal Circuit Court for the purposes of the substantive proceedings;

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the Federal Court or the Federal Circuit Court may, on application by the Minister, make such orders as the Federal Court or the Federal Circuit Court considers appropriate for the purpose of ensuring that, in the event that such a declaration comes into force and the information is disclosed to the Federal Court or the Federal Circuit Court, the information is not divulged or communicated to:

(d) the applicant in relation to the substantive proceedings; or

(e) the legal representative of the applicant in relation to the substantive proceedings; or

(f) any other member of the public.

(2) The Federal Court's or Federal Circuit Court's orders under subsection (1) include:

(a) an order that some or all of the members of the public are to be excluded during the whole or a part of the hearing of the substantive proceedings; or

(b) an order that no report of the whole of, or a specified part of, or relating to, the substantive proceedings is to be published; or

(c) an order for ensuring that no person, without the consent of the Federal Court or the Federal Circuit Court, has access to a file or a record of the Federal Court or the Federal Circuit Court that contains the information.

(3) Subsection (2) does not limit subsection (1).

(4) The powers of the Federal Court under this section are to be exercised by a single Judge of that Court, and the powers of the Federal Circuit Court under this section are to be exercised by a single Judge of that Court.

Criteria for making non-disclosure order

(5) In exercising its powers under subsection (1), the Federal Court or the Federal Circuit Court must have regard to all of the following matters:

(a) the fact that the information was communicated, or originally communicated, to an authorised migration officer by a

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gazetted agency on condition that it be treated as confidential information;

(b) Australia's relations with other countries;

(c) the need to avoid disruption to national and international efforts relating to law enforcement, criminal intelligence, criminal investigation and security intelligence;

(d) in a case where the information was derived from an informant—the protection and safety of informants and of persons associated with informants;

(e) the protection of the technologies and methods used (whether in or out of Australia) to collect, analyse, secure or otherwise deal with, criminal intelligence or security intelligence;

(f) Australia's national security;

(g) the fact that the disclosure of information may discourage gazetted agencies and informants from giving information in the future;

(h) the effectiveness of the investigations of official inquiries and Royal Commissions;

(i) the interests of the administration of justice;

(j) such other matters (if any) as are specified in the regulations;

and must not have regard to any other matters.

Disclosure of information for the purposes of deciding whether or not to make a non-disclosure order

(6) If an application is made under subsection (1) in relation to particular information, subsections 503A(1) and (2) do not prevent the disclosure of the information to the Federal Court or the Federal Circuit Court for the purposes of enabling the Federal Court or the Federal Circuit Court to make a decision on the application.

(7) If information is disclosed to the Federal Court or the Federal Circuit Court under subsection (6):

(a) the information is not to be treated as having been disclosed to the Federal Court or the Federal Circuit Court for the purposes of the substantive proceedings; and

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(b) the information may only be considered by the Federal Court or the Federal Circuit Court for the purposes of the substantive proceedings if a fresh disclosure of the information is made in accordance with a declaration under subsection 503A(3).

Variation or revocation of non-disclosure order

(8) The Federal Court or the Federal Circuit Court may, by order, vary or revoke an order made by it under subsection (1) if both:

(a) the Minister; and

(b) the applicant in relation to the substantive proceedings;

consent to the variation or revocation.

Withdrawal of application for non-disclosure order

(9) The Minister may withdraw an application under subsection (1) at any time.

Declarations under subsection 503A(3)

(10) This section does not prevent the Minister from making a declaration at any time under subsection 503A(3) authorising the disclosure of the information to the Federal Court or the Federal Circuit Court for the purposes of the substantive proceedings, even if that time occurs while the Federal Court or the Federal Circuit Court is considering whether to make an order under subsection (1).

(11) To avoid doubt, the Minister may refuse to make a declaration under subsection 503A(3) even if the Federal Court or the Federal Circuit Court has made an order under subsection (1) of this section in relation to the information concerned.

Offence

(12) A person commits an offence if:

(a) an order is in force under subsection (1); and

(b) the person engages in conduct; and

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(c) the person's conduct contravenes the order.

Penalty: Imprisonment for 2 years.

Relationship to other laws

(13) This section has effect despite anything in:
(a) any other provision of this Act; or
(b) any other law of the Commonwealth.

Applicant

(14) For the purposes of this section, the table has effect:

Applicant

Item	In the case of these proceedings...	the *applicant* is...
1	Proceedings within the Federal Circuit Court's jurisdiction under section 476 of this Act, including proceedings arising from: (a) a remittal under section 44 of the *Judiciary Act 1903*; or (b) a transfer under section 32AB of the *Federal Court of Australia Act 1976*.	the person seeking the remedy to be granted in exercise of that jurisdiction.
2	Proceedings within the Federal Court's jurisdiction under section 476A of this Act, including proceedings arising from a remittal under section 44 of the *Judiciary Act 1903*.	the person seeking the remedy to be granted in exercise of that jurisdiction.
3	Proceedings within the Federal Court's appellate jurisdiction arising from proceedings (the ***original proceedings***) mentioned in item 1 or 2.	the person who was the applicant for the original proceedings.

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Applicant		
Item	**In the case of these proceedings...**	**the *applicant* is...**
4	(a) proceedings by way of a referral of a question of law arising before the Administrative Appeals Tribunal; (b) proceedings by way of an appeal in relation to proceedings mentioned in paragraph (a).	the person who applied to the Administrative Appeals Tribunal for a review of the decision concerned.

Definitions

(15) In this section:

authorised migration officer has the same meaning as in section 503A.

engage in conduct means:

(a) do an act; or

(b) omit to perform an act.

gazetted agency has the same meaning as in section 503A.

proceeding means a proceeding in a court, whether between parties or not, and includes an incidental proceeding in the course of, or in connection with, a proceeding, and also includes an appeal.

Royal Commission means a Royal Commission (however described) under a law of the Commonwealth, a State or a Territory.

503C Protection of confidential information disclosed to Federal Court or Federal Circuit Court—interim non-disclosure orders

Notice of intention to apply for a permanent non-disclosure order

(1) At least 7 days before making an application for an order under subsection 503B(1) in relation to particular information, the

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Minister must give the Federal Court or the Federal Circuit Court written notice of the Minister's intention to make the application.

(2) A notice under subsection (1) need not identify any of the attributes of the information.

Interim non-disclosure order

(3) If:

(a) a notice is given under subsection (1); and

(b) the notice relates to the Minister's intention to make an application for an order under subsection 503B(1) in relation to particular information;

the Federal Court or the Federal Circuit Court may, on application by the Minister, make such orders as the Federal Court or the Federal Circuit Court considers appropriate for the purpose of ensuring that, in the event that the subsection 503B(1) application is made and the information is disclosed to the Federal Court or the Federal Circuit Court in accordance with subsection 503B(6), the information is not divulged or communicated in circumstances that might, to any extent, undermine, prejudice or pre-empt:

(c) the Federal Court's or the Federal Circuit Court's consideration of the subsection 503B(1) application; or

(d) the Minister's consideration of whether to make a declaration under subsection 503A(3) authorising the disclosure of the information to the Federal Court or the Federal Circuit Court.

(4) The Federal Court's or the Federal Circuit Court's orders under subsection (3) include:

(a) an order that some or all of the members of the public are to be excluded during the whole or a part of the hearing of the subsection 503B(1) application; or

(b) an order that no report of the whole of, or a specified part of, or relating to, the subsection 503B(1) application is to be published; or

(c) an order for ensuring that no person, without the consent of the Federal Court or the Federal Circuit Court, has access to a

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file or a record of the Federal Court or the Federal Circuit Court that contains the information.

(5) Subsection (4) does not limit subsection (3).

(6) The powers of the Federal Court under this section are to be exercised by a single Judge of that Court, and the powers of the Federal Circuit Court under this section are to be exercised by a single Judge of that Court.

Variation or revocation of non-disclosure order

(7) The Federal Court or the Federal Circuit Court may, by order, vary or revoke an order made by it under subsection (3) if both:
(a) the Minister; and
(b) the applicant in relation to the substantive proceedings concerned;
consent to the variation or revocation.

Offence

(8) A person commits an offence if:
(a) an order is in force under subsection (3); and
(b) the person engages in conduct; and
(c) the person's conduct contravenes the order.

Penalty: Imprisonment for 2 years.

Relationship to other laws

(9) This section has effect despite anything in:
(a) any other provision of this Act; or
(b) any other law of the Commonwealth.

Definition

(10) In this section:

engage in conduct means:

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(a) do an act; or
(b) omit to perform an act.

503D Details of gazetted agency to be treated as protected information

(1) If section 503A or 503B applies to information communicated by a gazetted agency to an authorised migration officer so that the information cannot be divulged or communicated except as provided for in sections 503A, 503B and 503C, then sections 503A, 503B and 503C apply to similarly protect the agency's details from being divulged or communicated as if the details were the information communicated by the agency.

(2) A reference in subsection (1) to ***agency's details*** is a reference to any information in relation to the gazetted agency including the agency's name and the conditions on which the communication of information by the agency occurred.

(3) In this section:

gazetted agency has the same meaning as in section 503A.

504 Regulations

(1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing, may make regulations:

(a) making provision for and in relation to:

(i) the charging and recovery of fees in respect of any matter under this Act or the regulations, including the fees payable in connection with the review of decisions made under this Act or the regulations, whether or not such review is provided for by or under this Act; or

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(ii) the charging and recovery of fees in respect of English language tests conducted by or on behalf of the Department;

(iii) the way, including the currency, in which fees are to be paid; or

(iv) the persons who may be paid fees on behalf of the Commonwealth;

(b) making provision for the remission, refund or waiver of fees of a kind referred to in paragraph (a) or for exempting persons from the payment of such fees;

(c) making provision for or in relation to the furnishing or obtaining of information with respect to:

(i) persons on board a vessel arriving at a port in Australia in the course of, or at the conclusion of, a voyage or flight that commenced at, or during which the vessel called at, a place outside Australia; and

(ii) persons on board a vessel leaving a port in Australia and bound for, or calling at, a place outside Australia; and

(iii) persons on board an aircraft arriving at or departing from an airport in Australia, being an aircraft operated by an international air carrier;

(d) making provision for and in relation to the use that may be made by persons or bodies other than officers of the Department of information collected pursuant to regulations made under paragraph (c);

(e) making provision for and in relation to:

(i) the giving of documents to;

(ii) the lodging of documents with; or

(iii) the service of documents on;

the Minister, the Secretary or any other person or body, for the purposes of this Act;

(f) prescribing the practice and procedure in relation to proceedings before a Commissioner or a prescribed authority under this Act, including the summoning of witnesses, the production of documents, the taking of evidence on oath or

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affirmation, the administering of oaths or affirmations and the payment of expenses of witnesses;

(g) requiring assurances of support to be given, in such circumstances as are prescribed or as the Minister thinks fit, in relation to persons seeking to enter, or remain in, Australia and providing for the enforcement of assurances of support and the imposition on persons who give assurances of support of liabilities in respect of the maintenance of, and other expenditure in connexion with, the persons in respect of whom the assurances of support are given;

(h) making provision for the remission, refund or waiver of charges under the *Migration (Health Services) Charge Act 1991*;

(i) enabling a person who is alleged to have contravened section 137 to pay to the Commonwealth, as an alternative to prosecution, a prescribed penalty, not exceeding 10 penalty units;

(j) enabling a person who is alleged to have contravened section 229 or 230 to pay to the Commonwealth, as an alternative to prosecution, a prescribed penalty, not exceeding:

(i) in the case of a natural person—30 penalty units; and

(ii) in the case of a body corporate—100 penalty units; and

(jaa) enabling a person who is alleged to have committed an offence against subsection 245N(2) to pay to the Commonwealth, as an alternative to prosecution, a prescribed penalty, not exceeding 10 penalty units; and

(ja) enabling a person who is alleged to have committed an offence against subsection 280(1) to pay to the Commonwealth, as an alternative to prosecution, a penalty of 12 penalty units; and

(k) prescribing penalties, of imprisonment for a period not exceeding 6 months or a fine not exceeding 10 penalty units, in respect of offences against the regulations; and

(l) making provision for matters that, under the *Education Services for Overseas Students Act 2000*, are required or

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permitted to be prescribed in regulations made under this Act.

(2) Section 14 of the *Legislation Act 2003* does not prevent, and has not prevented, regulations whose operation depends on a country or other matter being specified or certified by the Minister in an instrument in writing made under the regulations after the commencement of the regulations.

(3) The regulations that may be made under paragraph (1)(e) include, but are not limited to, regulations providing that a document given to, or served on, a person in a specified way shall be taken for all purposes of this Act and the regulations to have been received by the person at a specified or ascertainable time.

(3A) The *Evidence Act 1995* does not affect the operation of regulations made for the purposes of paragraph (1)(e).

(4) Regulations in respect of a matter referred to in paragraph (1)(g) may apply in relation to maintenance guarantees given before the commencement of this Part in accordance with the regulations that were in force under any of the Acts repealed by this Act.

(5) An assurance of support given, after the commencement of this subsection, in accordance with regulations under paragraph (1)(g) continues to have effect, and may be enforced, in accordance with such regulations in spite of any change in circumstances whatsoever.

(5A) The following have effect only in relation to assurances of support that were given before 1 July 2004 and are not assurances of support in relation to which Chapter 2C of the *Social Security Act 1991* applies or applied:

(a) subsection (5) of this section;

(b) regulations made under paragraph (1)(g) (whether before, on or after the commencement of this subsection) providing for:

(i) the enforcement of assurances of support; or

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(ii) the imposition on persons who give assurances of support of liabilities in respect of the maintenance of, and other expenditure in connection with, the persons in respect of whom the assurances of support are given.

(6) In this section:

international air carrier means an air transport enterprise that operates an air service between Australia and a place outside Australia.

505 Regulations about visa criteria

To avoid doubt, regulations for the purpose of prescribing a criterion for visas of a class may provide that the Minister, when required to decide whether an applicant for a visa of the class satisfies the criterion:

(a) is to get a specified person or organisation, or a person or organisation in a specified class, to:
  (i) give an opinion on a specified matter; or
  (ii) make an assessment of a specified matter; or
  (iii) make a finding about a specified matter; or
  (iv) make a decision about a specified matter; and

(b) is:
  (i) to have regard to that opinion, assessment, finding or decision in; or
  (ii) to take that opinion, assessment, finding or decision to be correct for the purposes of;

deciding whether the applicant satisfies the criterion.

506 Regulations about passenger cards

(1) Regulations under paragraph 504(1)(c) may provide for the giving of different information about different classes of people.

(2) The regulations are to provide for the giving of information, in the form of answers to questions on a form, to be known as a

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passenger card, by non-citizens travelling to Australia, other than non-citizens exempted by the regulations.

(3) The questions for a non-citizen required by subsection (2) may include, but are not limited to, questions about any or all of the following:

(a) the non-citizen's health;

(b) any criminal convictions in Australia or a foreign country of the non-citizen;

(c) the purpose of the new arrival's going to Australia;

(d) any unpaid debts to the Commonwealth of the non-citizen;

(e) any removal or deportation from, or refusal of admission into, Australia or a foreign country of the non-citizen.

506A Regulations may provide for infringement notices

(1) The regulations may provide for a person who is alleged to have contravened a civil penalty provision to pay a penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person.

(2) The penalty must not exceed one-fifth of the maximum penalty that a court could impose on the person for a contravention of the civil penalty provision.

507 Marital or relationship status

(1) The *Sex Discrimination Act 1984*, to the extent that it applies to the status or condition of being the spouse or de facto partner of another person, does not operate in relation to:

(a) regulations, or the making of regulations, that, for the purposes of dealing with an application for a visa, specify:

(i) the nature and incidents of the relationship between a person and another person; or

(ii) the period for which a relationship of a specified kind must have existed between a person and another person;

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before the person is taken to be the de facto partner of the other person; or

(b) the performance of any function, the exercise of any power or the fulfilment of any responsibility, in connection with the administration of any such regulation.

(2) To avoid doubt, subsection (1) does not prevent the *Sex Discrimination Act 1984* from applying in relation to the marital or relationship status of persons making or administering regulations covered by subsection (1).

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The Schedule—Acts relating to immigration and deportation repealed

Section 3

Immigration Restriction Act 1901
Immigration Restriction Amendment Act 1905
Immigration Restriction Act 1908
Immigration Restriction Act 1910
Immigration Act 1912
Immigration Act 1920
Immigration Act 1924
Immigration Act 1925
Immigration Act 1930
Immigration Act 1932
Immigration Act 1933
Immigration Act 1935
Immigration Act 1940
Immigration Act 1948
Immigration Act 1949
Pacific Island Labourers Act 1901
Pacific Island Labourers Act 1906
Aliens Deportation Act 1948

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Act 1958	62, 1958	8 Oct 1958	Part III (ss. 59–64): 10 Nov 1958 (*see Gazette* 1958, p. 3857) Remainder: 1 June 1959 (*see Gazette* 1959, p. 1831)	
Migration Act 1964	87, 1964	5 Nov 1964	5 Nov 1964	—
Migration Act 1966	10, 1966	6 May 1966	6 May 1966	s. 3(2)
Migration Act 1973	16, 1973	11 Apr 1973	11 Apr 1973	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	ss. 9(1) and 10
Administrative Changes (Consequential Provisions) Act 1976	91, 1976	20 Sept 1976	s. 3: *(a)*	s. 4
Migration Amendment Act 1979	117, 1979	29 Oct 1979	ss. 1, 2, 3(1), 4, 5, 7, 11–14, 16–19, 22–25 and 27–29: Royal Assent Remainder: 1 Nov 1979 (*see Gazette* 1979, No. S220)	ss. 9(2), (3) and 22(2)
Migration Amendment Act (No. 2) 1979	118, 1979	29 Oct 1979	1 Nov 1979 (*see* s. 2 and *Gazette* 1979, No. S220)	—
Migration Amendment Act 1980	89, 1980	29 May 1980	s. 3: 1 July 1980 (*see* s. 2(2) and *Gazette* 1980, No. S146) Remainder: Royal Assent	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Amendment Act (No. 2) 1980	175, 1980	17 Dec 1980	ss. 3(2), 4, 7(2), 9, 12 and 13: 23 Jan 1981 (*see Gazette* 1981, No. G3, p. 30) Remainder: 14 Jan 1981	ss. 12 and 13 s. 11 (rep. by 59, 1989, s. 37)
as amended by				
Migration Legislation Amendment Act 1989	59, 1989	19 June 1989	(*see* 59, 1989 below)	—
Statute Law Revision Act 1981	61, 1981	12 June 1981	ss. 58 and 59: 1 Nov 1979 *(b)* ss. 60 and 115: Royal Assent *(b)*	s. 60(2)
Off-shore Installations (Miscellaneous Amendments) Act 1982	51, 1982	16 June 1982	Part VI (ss. 42–51): 14 July 1982 *(c)*	—
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s. 3: *(d)*	ss. 2(32) and 6(1)
Migration Amendment (Emigration of Certain Children) Act 1983	73, 1983	28 Oct 1983	25 Nov 1983 (*see* s. 2)	—
Migration Amendment Act 1983	112, 1983	13 Dec 1983	2 Apr 1984 (*see Gazette* 1984, No. S119)	ss. 8(2) and 38
Torres Strait Treaty (Miscellaneous Amendments) Act 1984	22, 1984	26 Apr 1984	Part VII (ss. 17–21): 15 Feb 1985 (*see Gazette* 1985, No. S38) *(e)*	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	s. 3: 23 July 1984 *(f)*	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Taxation Laws Amendment Act 1984	123, 1984	19 Oct 1984	Part X (ss. 171–175): 14 Dec 1984 *(g)*	—
Migration Amendment Act 1986	71, 1986	24 June 1986	20 Aug 1986 (*see* s. 2 and *Gazette* 1986, No. S401)	—
Intelligence and Security (Consequential Amendments) Act 1986	102, 1986	17 Oct 1986	1 Feb 1987 (*see* s. 2 and *Gazette* 1987, No. S13)	—
Statute Law (Miscellaneous Provisions) Act (No. 2) 1986	168, 1986	18 Dec 1986	s. 3: 11 May 1987 (*see Gazette* 1987, No. S78) *(h)*	s. 5(1) and (2)
Mutual Assistance in Criminal Matters (Consequential Amendments) Act 1987	86, 1987	5 June 1987	s. 3: 1 Aug 1988 (*see Gazette* 1988, No. S225) Remainder: Royal Assent	—
Sea Installations (Miscellaneous Amendments) Act 1987	104, 1987	6 Nov 1987	Parts I–V (ss. 1–30) and Part VIII (s. 57): 15 Oct 1987 Remainder: 6 Nov 1987 (*see* s. 2(2))	—
Migration Amendment Act 1987	133, 1987	16 Dec 1987	ss. 3–5: 16 Sept 1987 ss. 6, 7 and 9(a), (b): 1 Jan 1988 Remainder: Royal Assent	—
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: 1 Jan 1988 (*see Gazette* 1988, No. S348) *(j)*	s. 5(1), (13) and (14)
Extradition (Repeal and Consequential Provisions) Act 1988	5, 1988	9 Mar 1988	1 Dec 1988 (*see* s. 2(2) and *Gazette* 1988, No. S366)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act 1988	38, 1988	3 June 1988	s. 3: *(k)*	s. 5(1)
Migration Amendment Act 1988	49, 1988	15 June 1988	1 July 1988	—
Migration Amendment Act (No. 2) 1988	151, 1988	26 Dec 1988	ss. 1, 2, 3(1) and 11: Royal Assent Remainder: 1 July 1989 (*see Gazette* 1989, No. S221)	—
Migration Legislation Amendment Act 1989	59, 1989	19 June 1989	ss. 1 and 2: Royal Assent Part 3 (ss. 36, 37): 19 June 1990 s. 27: 1 July 1989 (*see Gazette* 1989, No. S218) s. 35: 20 Dec 1989 Remainder: 19 Dec 1989	ss. 6(2)–(5), 12(2), (3) and 16(2)
as amended by				
Migration Legislation Amendment (Consequential Amendments) Act 1989	159, 1989	18 Dec 1989	s. 4: 19 Dec 1989 (*see* s. 2(2)) Remainder: 18 Dec 1989 (*see* s. 2(1))	—
Migration Legislation Amendment Act (No. 2) 1989	180, 1989	28 Dec 1989	19 Dec 1989 (*see* s. 2)	—
Migration Amendment Act 1989	61, 1989	19 June 1989	1 July 1989 (*see* s. 2 and *Gazette* 1989, No. S221)	—
Petroleum (Australia-Indonesia Zone of Cooperation) (Consequential Provisions) Act 1990	37, 1990	7 June 1990	18 Feb 1991 (*see* s. 2 and *Gazette* 1991, No. S47)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	*(l)*	—
Migration Amendment Act 1991	86, 1991	26 June 1991	ss. 3(a), (b), (e), 5–7, 8(e), (h), (i), 9–14, 20 and 23(b): 26 Dec 1991 Remainder: Royal Assent	s. 27
Migration Amendment Act (No. 2) 1991	196, 1991	18 Dec 1991	15 Jan 1992	s. 10
as amended by				
Migration Laws Amendment Act 1992	175, 1992	16 Dec 1992	(*see* 175, 1992 below)	—
Migration Amendment Act (No. 3) 1991	198, 1991	18 Dec 1991	18 Dec 1991 (*see* s. 2)	—
Migration Amendment Act 1992	24, 1992	6 May 1992	ss. 1–3 and 7: Royal Assent ss. 4 and 6: 3 June 1992 Remainder: 6 Nov 1992	s. 8
Migration Amendment Act (No. 2) 1992	84, 1992	30 June 1992	30 June 1992	ss. 16 and 17
Migration Amendment Act (No. 3) 1992	85, 1992	30 June 1992	21 Sept 1992 (*see Gazette* 1992, No. S262)	s. 5
Migration Laws Amendment Act 1992	175, 1992	16 Dec 1992	Part 3 (ss. 9, 10): *(m)* Remainder: Royal Assent	—
Migration Laws Amendment Act (No. 2) 1992	176, 1992	16 Dec 1992	ss. 1–3 and 5: 1 Jan 1993 ss. 4, 6, 7 and Part 3 (ss. 8–11): 1 Mar 1993 Remainder: Royal Assent	ss. 15(2) and 16

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Reform Act 1992	184, 1992	17 Dec 1992	ss. 1, 2 and 31: Royal Assent ss. 4(e), (f), 6, 21, 22 and 32: 1 July 1993 Remainder: 1 Sept 1994	s. 2 (am. by 59, 1993, ss. 5, 10) s. 39 (am. by 59, 1993, s. 6; rs. by 60, 1994, s. 84) s. 40 (am. by 59, 1993, s. 7; 60, 1994, s. 84) s. 41 (rep. by 59, 1993, s. 8; ad. by 60, 1994, s. 84) s. 42 (ad. by 60, 1994, s. 84)
as amended by				
Migration Laws Amendment Act 1993	59, 1993	28 Oct 1993	(*see* 59, 1993 below)	ss. 4 and 9
Migration Legislation Amendment Act 1994	60, 1994	9 Apr 1994	s. 84: *(n)*	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 3 (items 42, 43): 17 Dec 1992 *(o)*	—
Migration Legislation Amendment Act (No. 1) 1998	113, 1998	11 Dec 1998	Schedule 8 (item 2): 7 Dec 1992 *(oa)*	—
Migration (Offences and Undesirable Persons) Amendment Act 1992	213, 1992	24 Dec 1992	ss. 4(2), 6 and 7: 1 Sept 1994 Remainder: Royal Assent	s. 2 (am. by 59, 1993, s. 41)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Migration Laws Amendment Act 1993	59, 1993	28 Oct 1993	(*see* 59, 1993 below)	s. 40
International Labour Organisation (Compliance with Conventions) Act 1992	220, 1992	24 Dec 1992	24 Dec 1992	—
Migration Amendment Act (No. 4) 1992	235, 1992	24 Dec 1992	24 Dec 1992	—
Migration Laws Amendment Act 1993	59, 1993	28 Oct 1993	ss. 6–8, 11, 14–17 and 19: 1 Sept 1994 ss. 9, 10, 12, 21–23, 25, 26, 33 and 35: 1 July 1993 Remainder: Royal Assent	ss. 13, 21, 27, 29, 31 and 33
Migration Amendment ("Points" System) Act 1993	14, 1994	19 Jan 1994	19 Jan 1994	ss. 3 and 14–16
Maritime Legislation Amendment Act 1994	20, 1994	15 Feb 1994	1 Aug 1994 (*see Gazette* 1994, No. S289)	—
Migration Legislation Amendment Act 1994	60, 1994	9 Apr 1994	ss. 3–83: *(p)*	—
as amended by				
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 3 (item 41): 9 Apr 1994 *(q)*	—
Migration Legislation Amendment Act (No. 4) 1994	136, 1994	15 Nov 1994	15 Nov 1994	Sch. (item 3)
Migration Legislation Amendment Act (No. 2) 1995	1, 1995	17 Feb 1995	17 Feb 1995	s. 4

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
International War Crimes Tribunals (Consequential Amendments) Act 1995	19, 1995	29 Mar 1995	s. 3: 28 Aug 1995 (*see Gazette* 1995, No. S323) Remainder: Royal Assent	—
as amended by				
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 3 (items 35, 36): 29 Mar 1995 *(r)*	—
Customs, Excise and Bounty Legislation Amendment Act 1995	85, 1995	1 July 1995	Schedule 10 (item 4): 1 July 1995 *(s)*	—
Migration Legislation Amendment Act (No. 5) 1995	100, 1995	15 Sept 1995	Schedule 1 (items 2–4, 6, 7, 11, 12): *(t)* Schedule 1 (item 18): *(t)* Remainder: Royal Assent	Sch. 1 (item 17) s. 2(3)–(5) (am. by 113, 1998, Sch. 8 [items 3–5])
as amended by				
Migration Legislation Amendment Act (No. 1) 1998	113, 1998	11 Dec 1998	Schedule 8 (items 3–5): 15 Sept 1995 *(ta)*	—
Migration Legislation Amendment Act (No. 6) 1995	102, 1995	18 Sept 1995	ss. 1(2), 5, 8 and 9: 1 Nov 1989 ss. 6 and 7: *(u)* ss. 13–18: Royal Assent Remainder: *(u)*	ss. 3, 4 and 10–12 s. 18 (rep. by 100, 1995, Sch. 1 [item 21])
as amended by				
Migration Legislation Amendment Act (No. 5) 1995	100, 1995	15 Sept 1995	(*see* 100, 1995 above)	—
Migration Legislation Amendment Act (No. 1) 1995	110, 1995	29 Sept 1995	Schedule 2: 1 Nov 1995 (*see Gazette* 1995, No. GN43) Remainder: Royal Assent	ss. 5–8

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Family Law Reform (Consequential Amendments) Act 1995	140, 1995	12 Dec 1995	Schedule 1 (Part 8): 11 June 1996 (*see Gazette* 1996, No. GN5) *(y)*	—
Law and Justice Legislation Amendment Act (No. 1) 1995	175, 1995	16 Dec 1995	16 Dec 1995	—
Migration Legislation Amendment Act (No. 1) 1996	25, 1996	28 June 1996	28 June 1996	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 5 (item 86): Royal Assent *(w)*	—
Migration Legislation Amendment Act (No. 1) 1997	27, 1997	10 Apr 1997	Schedule 1: 1 May 1997 (*see Gazette* 1997, No. S168) Remainder: Royal Assent	Sch. 1 (items 29, 30)
Migration Legislation Amendment Act (No. 3) 1997	92, 1997	30 June 1997	30 June 1997	—
Environment, Sport and Territories Legislation Amendment Act 1997	118, 1997	7 July 1997	Schedule 1 (item 48): Royal Assent *(x)*	—
Foreign Affairs and Trade Legislation Amendment Act 1997	150, 1997	17 Oct 1997	Schedule 2 (items 8, 9): Royal Assent *(y)*	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment (Migration Agents) Act 1997	205, 1997	17 Dec 1997	Schedule 1 (items 67, 68): Royal Assent Schedule 1 (Part 3): 5 Dec 1999 (*see Gazette* 1999, No. S584) Schedule 3 (Parts 1, 2): 21 Jan 1999 Schedule 3 (Parts 4, 5): 21 Mar 1999 Remainder: 21 Mar 1998 *(z)*	Sch. 1 (Part 2) and Sch. 3 (items 18–20) s. 2(3) (am. by 146, 1999, Sch. 1 [item 615])
as amended by				
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 615, 616): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(zaa)*	—
Migration Legislation Amendment Act (No. 1) 1998	113, 1998	11 Dec 1998	Schedule 1, Schedule 2 (Part 1) and Schedule 3: 1 June 1999 (*see Gazette* 1999, No. S51) *(za)* Schedule 2 (Part 2): 5 Feb 1999 (*see Gazette* 1999, No. S51) *(za)* Schedules 4–6: 1 Mar 1999 (*see Gazette* 1999, No. S51) *(za)*	Sch. 1 (Part 2), Sch. 2 (Part 2), Sch. 3 (Part 2) and Sch. 5 (Part 2)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001	58, 2001	28 June 2001	(*see* 58, 2001 below)	—
Migration Legislation Amendment Act (No. 1) 2001	129, 2001	27 Sept 2001	(*see* 129, 2001 below)	—
Migration Legislation Amendment (Strengthening of Provisions relating to Character and Conduct) Act 1998	114, 1998	11 Dec 1998	1 June 1999 (*see Gazette* 1999, No. GN6)	Sch. 1 (items 28–32, 34) Sch. 1 (item 33) (am. by 129, 2001, Sch. 2 [item 4])
as amended by				
Migration Legislation Amendment Act (No. 1) 2001	129, 2001	27 Sept 2001	(*see* 129, 2001 below)	—
Migration Legislation Amendment (Temporary Safe Haven Visas) Act 1999	34, 1999	20 May 1999	Schedule 1 (item 11): *(zb)* Remainder: Royal Assent	ss. 4 and 5
Migration Legislation Amendment Act (No. 1) 1999	89, 1999	16 July 1999	ss. 1–3: Royal Assent Schedule 1 (items 1, 2, 4, 10) and Schedule 3: 3 Dec 1998 Schedule 1 (item 3): *(zc)* Remainder: 22 July 1999 (*see Gazette* 1999, No. S337)	Sch. 3

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 607–614): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(zd)*	—
Border Protection Legislation Amendment Act 1999	160, 1999	8 Dec 1999	Schedule 1 (items 1–29, 33–63, 65–70): 16 Dec 1999 (*see Gazette* 1999, No. S624) *(ze)* Schedule 1 (items 30–32): *(ze)* Schedule 1 (item 64): 1 Sept 1994 *(ze)*	Sch. 1 (items 13, 63, 70)
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Schedule 3 (items 1, 40–43): *(zf)*	—
Migration Legislation Amendment (Migration Agents) Act 1999	175, 1999	22 Dec 1999	Schedule 2: 1 Mar 2000 (*see Gazette* 2000, No. GN7) Remainder: Royal Assent	Sch. 2 (items 7, 8)
as amended by				
Migration Legislation Amendment Act (No. 1) 2001	129, 2001	27 Sept 2001	(*see* 129, 2001 below)	—
Australian Federal Police Legislation Amendment Act 2000	9, 2000	7 Mar 2000	2 July 2000 (*see Gazette* 2000, No. S328)	Sch. 3 (items 20, 27, 34, 35)
Timor Gap Treaty (Transitional Arrangements) Act 2000	25, 2000	3 Apr 2000	ss. 4–6 and Schedule 2 (item 36): 26 Oct 1999 *(zg)*	ss. 4–6

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment Act (No. 1) 2000	28, 2000	3 Apr 2000	Schedules 1–4, Schedule 5 (items 1–4) and Schedules 6–8: 28 Apr 2000 (*see Gazette* 2000, No. S216) *(zh)* Schedule 9: 1 June 1999 *(zh)*	Sch. 1 (item 2), Sch. 2 (item 4), Sch. 3 (item 3) and Sch. 9 (items 6–9)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 276–284, 418, 419): 24 May 2001 (s 2(3))	Sch. 2 (items 418, 419)
as amended by				
Statute Law Revision Act 2006	9, 2006	23 Mar 2006	Schedule 2 (item 16): *(zha)*	—
Education Services for Overseas Students (Consequential and Transitional) Act 2000	166, 2000	21 Dec 2000	Schedule 3: 4 June 2001 (*see Gazette* 2001, No. S175) *(zi)*	—
Migration Legislation Amendment (Overseas Students) Act 2000	168, 2000	21 Dec 2000	Schedule 1: 4 June 2001 (*see Gazette* 2001, No. GN19) Schedules 2 and 3: 1 Mar 2001 (*see Gazette* 2001, No. GN8) Remainder: Royal Assent	Sch. 3 (item 7) and Sch. 4 (items 3, 4)
Migration Legislation Amendment (Integrity of Regional Migration Schemes) Act 2001	33, 2001	28 Apr 2001	Schedule 1 (item 4): *(zj)* Remainder: 1 July 2001 (*see Gazette* 2001, No. GN22)	s. 4

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001	58, 2001	28 June 2001	Schedule 4 (item 1): 28 Apr 2000 Schedule 4 (item 2): *(zk)* Schedule 4 (item 3): *(zk)* Remainder: 10 Aug 2001 (*see Gazette* 2001, No. GN31)	Sch. 1 (item 20)
Migration Legislation Amendment (Immigration Detainees) Act 2001	85, 2001	18 July 2001	Schedule 1 (item 5): *(zl)* Remainder: 27 July 2001 (*see Gazette* 2001, No. S307) *(zl)*	—
Migration Legislation Amendment (Application of Criminal Code) Act 2001	97, 2001	22 Aug 2001	19 Sept 2001	—
Migration Legislation Amendment (Immigration Detainees) Act (No. 2) 2001	105, 2001	17 Sept 2001	ss. 1 and 2: Royal Assent Remainder: 28 Sept 2001 (*see Gazette* 2001, No. S403)	—
Border Protection (Validation and Enforcement Powers) Act 2001	126, 2001	27 Sept 2001	27 Sept 2001	ss. 4–9
Migration Amendment (Excision from Migration Zone) Act 2001	127, 2001	27 Sept 2001	27 Sept 2001	s. 4
Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001	128, 2001	27 Sept 2001	27 Sept 2001 (*see* s. 2)	s. 4

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment Act (No. 1) 2001	129, 2001	27 Sept 2001	Schedule 1 (items 6–11) and Schedule 2 (items 5–7): 1 Oct 2001 (*see Gazette* 2001, No. S406) Schedule 2 (items 1–4): 1 June 1999 *(zm)* Schedule 2 (item 7A): 16 Dec 1999 *(zm)* Schedule 2 (items 8, 9): 1 June 1999 Schedule 2 (item 10): 1 Mar 2000 *(zm)* Remainder: Royal Assent	Sch. 1 (items 5, 7–10) and Sch. 2 (item 7) Sch. 1 (item 11) (am. by 141, 2005, Sch. 4 [item 19])
as amended by				
Migration and Ombudsman Legislation Amendment Act 2005	141, 2005	12 Dec 2005	Schedule 4 (item 19): Royal Assent	—
Migration Legislation Amendment Act (No. 5) 2001	130, 2001	27 Sept 2001	21 Dec 2001 *(zn)*	—
Migration Legislation Amendment Act (No. 6) 2001	131, 2001	27 Sept 2001	1 Oct 2001 (*see Gazette* 2001, No. S406)	Sch. 1 (items 7–10)
Migration Legislation Amendment (Judicial Review) Act 2001	134, 2001	27 Sept 2001	Schedule 1: 2 Oct 2001 (*see Gazette* 2001, No. S406) Remainder: Royal Assent	Sch. 1 (item 8)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001	157, 2001	1 Oct 2001	Schedule 3: *(zo)* Schedule 4 (items 1–3, 9): *(zo)* Schedule 4 (items 4–8, 10): *(zo)* Schedule 5: *(zo)* Remainder: Royal Assent	Sch. 1 (item 30), Sch. 3 (item 18), Sch. 4 (items 9, 10) and Sch. 5 (item 2)
Migration Legislation Amendment (Transitional Movement) Act 2002	10, 2002	4 Apr 2002	Schedule 1: 12 Apr 2002 (*see Gazette* 2002, No. S105) Remainder: Royal Assent	—
Migration Legislation Amendment (Migration Agents) Act 2002	35, 2002	26 June 2002	Schedule 1 (items 3, 5, 9–17): 1 Nov 2002 (*see Gazette* 2002, No. GN38) Remainder: Royal Assent	Sch. 1 (items 8, 17)
International Criminal Court (Consequential Amendments) Act 2002	42, 2002	27 June 2002	Schedules 1–7: 26 Sept 2002 (*see* s. 2(1) (item 2) and *Gazette* 2002, No. GN38) Remainder: 28 June 2002	—
Migration Legislation Amendment (Procedural Fairness) Act 2002	60, 2002	3 July 2002	4 July 2002	Sch. 1 (items 7, 8)
Border Security Legislation Amendment Act 2002	64, 2002	5 July 2002	Schedule 6 (item 9): 5 Jan 2003	—
Security Legislation Amendment (Terrorism) Act 2002	65, 2002	5 July 2002	Schedule 1 (items 14–18): 6 July 2002	Sch. 1 (item 18)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment (Migration Advice Industry) Act 2003	3, 2003	24 Feb 2003	24 Feb 2003	—
Migration Legislation Amendment (Contributory Parents Migration Scheme) Act 2003	5, 2003	19 Mar 2003	Schedule 1: *(zp)*	—
Petroleum (Timor Sea Treaty) (Consequential Amendments) Act 2003	10, 2003	2 Apr 2003	Schedule 1 (items 1–52, 54–75, 78–82): 20 May 2002 Remainder: Royal Assent	—
Crimes Legislation Enhancement Act 2003	41, 2003	3 June 2003	Schedule 3 (items 14, 42): Royal Assent	Sch. 3 (item 42)
Migration Legislation Amendment (Protected Information) Act 2003	75, 2003	15 July 2003	Schedule 1 (items 5A–5D, 6A, 8) and Schedule 2: 16 July 2003 Remainder: Royal Assent	Sch. 1 (items 7, 8)
Migration Amendment (Duration of Detention) Act 2003	90, 2003	23 Sept 2003	Schedule 1: 24 Sept 2003 Remainder: Royal Assent	Sch. 1 (item 2)
Migration Legislation Amendment (Sponsorship Measures) Act 2003	99, 2003	14 Oct 2003	14 Oct 2003	Sch. 2 (item 2)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Act 2003	122, 2003	5 Dec 2003	Schedule 3 (item 2): 1 July 2004	—
Migration Legislation Amendment (Identification and Authentication) Act 2004	2, 2004	27 Feb 2004	Schedule 1: 27 Aug 2004 Remainder: Royal Assent	Sch. 1 (item 35)
Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004	25, 2004	25 Mar 2004	Schedule 2 (item 34): *(zq)* Schedule 2 (item 35): *(zq)* Schedule 2 (items 33, 36): Royal Assent	—
Migration Legislation Amendment (Migration Agents Integrity Measures) Act 2004	48, 2004	21 Apr 2004	Schedule 1: 1 July 2004 (*see Gazette* 2004, No. GN23) Remainder: Royal Assent	Sch. 1 (items 172–191)
Australian Federal Police and Other Legislation Amendment Act 2004	64, 2004	22 June 2004	Schedule 2 (item 9): 1 July 2004	—
Australian Passports (Transitionals and Consequentials) Act 2005	7, 2005	18 Feb 2005	ss. 4–11 and Schedule 1: 1 July 2005 (*see* s. 2(1)) Remainder: Royal Assent	—
Administrative Appeals Tribunal Amendment Act 2005	38, 2005	1 Apr 2005	Schedule 1 (item 226): 16 May 2005	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Amendment (Detention Arrangements) Act 2005	79, 2005	29 June 2005	Schedule 1 (item 17): *(zr)* Remainder: Royal Assent	Sch. 1 (items 20, 21)
Fisheries Legislation Amendment (International Obligations and Other Matters) Act 2005	99, 2005	6 July 2005	Schedule 1 (item 59): *(zs)*	—
Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Act 2005	103, 2005	23 Aug 2005	Schedule 2 (items 1–9): 24 Aug 2005 Schedule 2 (items 10–12): 30 Nov 2005	Sch. 2 (items 9, 12)
Migration Litigation Reform Act 2005	137, 2005	15 Nov 2005	Schedule 1: 1 Dec 2005 (*see* F2005L03684) Remainder: Royal Assent	Sch. 1 (items 40–42, 46–48)
Migration and Ombudsman Legislation Amendment Act 2005	141, 2005	12 Dec 2005	Schedule 1, Schedule 2 (item 27) and Schedule 4 (items 1–18, 20): Royal Assent Schedule 2 (item 26): *(zt)* Schedule 3: 13 Dec 2005	Sch. 1 (item 5) and Sch. 4 (item 20)
Anti-Terrorism Act (No. 2) 2005	144, 2005	14 Dec 2005	Schedule 7 (items 13, 14): 11 Jan 2006 Schedule 10 (items 31, 32): Royal Assent	—
Offshore Petroleum (Repeals and Consequential Amendments) Act 2006	17, 2006	29 Mar 2006	Schedule 2 (items 46, 47): 1 July 2008 (*see* s. 2(1) and F2008L02273)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Postal Industry Ombudsman Act 2006	25, 2006	6 Apr 2006	Schedule 1 (item 15): 6 Oct 2006	—
as amended by				
Migration and Ombudsman Legislation Amendment Act 2005	141, 2005	12 Dec 2005	Schedule 2 (item 32): *(zt)*	—
Family Law Amendment (Shared Parental Responsibility) Act 2006	46, 2006	22 May 2006	Schedule 8 (item 102): 1 July 2006	—
Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Act 2006	144, 2006	6 Dec 2006	Schedule 1, Schedule 2 (item 1), Schedules 3 and 4: 1 Jan 2007 Schedule 2 (items 2–7): 1 July 2007 Remainder: Royal Assent	—
Defence Legislation Amendment Act 2006	159, 2006	11 Dec 2006	Schedule 1: 1 Oct 2007 Remainder: Royal Assent	—
Environment and Heritage Legislation Amendment Act (No. 1) 2006	165, 2006	12 Dec 2006	Schedule 1 (items 854–869): 19 Feb 2007 (*see* F2007L00411)	—
Migration Amendment (Employer Sanctions) Act 2007	7, 2007	19 Feb 2007	Schedules 1 and 2: 19 Aug 2007 Remainder: Royal Assent	Sch. 1 (item 2) and Sch. 2 (item 5)
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Schedule 4 (items 18, 19): Royal Assent	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Citizenship (Transitionals and Consequentials) Act 2007	21, 2007	15 Mar 2007	Schedules 1–3: 1 July 2007 (*see* s. 2(1) and F2007L01653) Remainder: Royal Assent	Sch. 3 (item 22) (rep. by 63, 2007, Sch. 1 [item 67])
as amended by				
Migration Legislation Amendment (Information and Other Measures) Act 2007	63, 2007	15 Apr 2007	Schedule 1 (items 66, 67): (*see* 63, 2007 below)	—
Migration Amendment (Border Integrity) Act 2007	62, 2007	15 Apr 2007	Schedules 1–3: 1 July 2007 (*see* F2007L01792) Remainder: Royal Assent	Sch. 1 (item 4) and Sch. 2 (items 35, 36)
Migration Legislation Amendment (Information and Other Measures) Act 2007	63, 2007	15 Apr 2007	Schedule 1 (items 1–65, 71, 72) and Schedule 2: 1 May 2007 (*see* F2007L01135) Schedule 1 (items 66, 67): *(zu)* Schedule 1 (items 68, 70): *(zu)* Schedule 1 (item 69): *(zu)* Remainder: Royal Assent	Sch. 1 (items 61, 64, 65, 71, 72) and Sch. 2 (item 2)
Education Services for Overseas Students Legislation Amendment Act 2007	70, 2007	28 May 2007	Schedule 1: 1 July 2007 Remainder: Royal Assent	Sch. 1 (item 26)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Amendment (Maritime Crew) Act 2007	73, 2007	28 May 2007	Schedule 1 (items 1–16): 1 July 2007 (*see* F2007L01795) Schedule 1 (item 17): *(zv)*	—
Migration Amendment (Statutory Agency) Act 2007	87, 2007	21 June 2007	22 June 2007	—
Migration Amendment (Review Provisions) Act 2007	100, 2007	28 June 2007	29 June 2007	Sch. 1 (item 33)
Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Act 2008	36, 2008	24 June 2008	Schedule 3 (items 67–69): 24 June 2009 Schedule 4 (items 7, 8): 22 July 2008	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Schedule 1 (items 32, 33): *(zw)*	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment Act (No. 1) 2008	85, 2008	15 Sept 2008	Schedule 1 and Schedule 4 (items 1–4, 6(1), (2)): 27 Oct 2008 (*see* F2008L03538) Schedule 2 (items 1–3, 12–15, 18–20): 15 Feb 2009 (*see* F2009L00268) Schedule 2 (items 10, 11, 16, 16A, 17, 21, 22) and Schedule 3 (items 1–6, 18–25): 15 Mar 2009 Schedule 3 (items 7–17): Royal Assent Schedule 4 (items 5, 6(3), 7): 19 Sept 2008 (*see* F2008L03482)	Sch. 1 (items 37–40), Sch. 2 (items 15, 20), Sch. 3 (items 2, 6, 20, 23, 25) and Sch. 4 (items 6, 7)
Migration Amendment (Notification Review) Act 2008	112, 2008	31 Oct 2008	Schedule 1 (items 1, 2, 4, 6–9, 11, 12, 14, 16–19, 21–27, 29): 5 Dec 2008 (*see* F2008L04521) Schedule 1 (items 3, 5, 13, 15): *(zx)*	Sch. 1 (item 29)
Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008	117, 2008	21 Nov 2008	Schedule 3 (items 19, 20): 22 Nov 2008	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Schedule 10 (items 12A, 13–75): 1 July 2009	Sch. 10 (items 24, 28, 33, 43, 47, 64, 69)
Migration Legislation Amendment (Worker Protection) Act 2008	159, 2008	18 Dec 2008	Schedule 1: 14 Sept 2009 (*see* F2009L02375)	Sch. 1 (items 44–51)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Legislation Amendment Act (No. 1) 2009	10, 2009	25 Feb 2009	Schedules 1–3: 15 Mar 2009 (*see* F2009L01026) Remainder: Royal Assent	Sch. 1 (item 17), Sch. 2 (item 7) and Sch. 3 (item 2)
Customs Legislation Amendment (Name Change) Act 2009	33, 2009	22 May 2009	Schedule 2 (item 42): 23 May 2009	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Schedule 12 (item 4): *(zy)*	—
Migration Amendment (Protection of Identifying Information) Act 2009	69, 2009	8 July 2009	Schedule 1: 14 Sept 2009 (*see* F2009L03098) Remainder: Royal Assent	—
Disability Discrimination and Other Human Rights Legislation Amendment Act 2009	70, 2009	8 July 2009	Schedule 3 (items 43, 44): 5 Aug 2009	—
Migration Amendment (Abolishing Detention Debt) Act 2009	85, 2009	18 Sept 2009	Schedule 1 (items 1–25, 30–33): 9 Nov 2009 (*see* F2009L04033) Schedule 1 (items 26–29): *(zz)* Remainder: Royal Assent	Sch. 1 (items 8, 25, 33)
Military Justice (Interim Measures) Act (No. 1) 2009	91, 2009	22 Sept 2009	Schedule 1 (items 250, 251): Royal Assent	Sch 3

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Military Justice (Interim Measures) Amendment Act 2011	82, 2011	25 July 2011	25 July 2011 (s 2)	—
Military Justice (Interim Measures) Amendment Act 2013	130, 2013	1 July 2013	Sch 1 (items 3, 7, 8): 22 Sept 2009 (s 2(1) items 3, 5) Remainder: 1 July 2013 (s 2(1) items 1, 2, 4, 6)	—
Defence Legislation (Enhancement of Military Justice) Act 2015	106, 2015	30 June 2015	Sch 3: 1 July 2015 (s 2)	—
Anti-People Smuggling and Other Measures Act 2010	50, 2010	31 May 2010	Schedule 1 (items 7–12): 1 June 2010	Sch. 1 (item 11)
Freedom of Information Amendment (Reform) Act 2010	51, 2010	31 May 2010	Schedule 5 (items 37, 38) and Schedule 7: *(zza)*	Sch. 7
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 7 (items 94, 95): 19 Apr 2011	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 761–767) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Migration Amendment (Strengthening the Character Test and Other Provisions) Act 2011	81, 2011	25 July 2011	Schedule 1 (item 1): 26 July 2011 Schedule 1 (items 2–6): 26 Apr 2011 Remainder: Royal Assent	Sch. 1 (item 6)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Amendment (Complementary Protection) Act 2011	121, 2011	14 Oct 2011	Schedule 1 (items 1–17): 24 Mar 2012 (*see* F2012L00650) Schedule 1 (items 19, 20, 22–35): 24 Mar 2012 Schedule 1 (items 18, 21): *(zzb)* Remainder: Royal Assent	Sch. 1 (item 35)
Deterring People Smuggling Act 2011	135, 2011	29 Nov 2011	Sch 1: 16 Dec 1999 (s 2(1) item 2)	Sch 1 (item 2)
Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Act 2012	7, 2012	20 Mar 2012	Sch 1 (item 13), Sch 2 (item 36) and Sch 4 (item 1): 20 Sept 2012 (s 2(1) items 2, 5, 11) Sch 2 (item 35): never commenced (s 2(1) item 4)	Sch 2 (item 36)
Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012	113, 2012	17 Aug 2012	Schedule 1: 18 Aug 2012	Sch. 1 (item 36)
Migration (Visa Evidence) Charge (Consequential Amendments) Act 2012	125, 2012	12 Sept 2012	Schedule 1: 24 Nov 2012 (*see* s. 2(1)) Remainder: Royal Assent	—
Migration Legislation Amendment (Student Visas) Act 2012	192, 2012	12 Dec 2012	Schedule 1 (items 6, 7): 13 Apr 2013 (*see* F2013L00485)	—
Privacy Amendment (Enhancing Privacy Protection) Act 2012	197, 2012	12 Dec 2012	Sch 5 (items 52–55): 12 Mar 2014 (s 2(1) item 3)	Sch 6 (items 1, 15–19)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013	6, 2013	7 Mar 2013	Schedule 2 (items 3–13) and Schedule 3: 8 Mar 2013	Sch. 3
Migration Amendment (Reform of Employer Sanctions) Act 2013	10, 2013	14 Mar 2013	Schedule 1: 1 June 2013 (*see* F2013L00788) Remainder: Royal Assent	Sch. 1 (items 30–33)
Federal Circuit Court of Australia (Consequential Amendments) Act 2013	13, 2013	14 Mar 2013	Sch 1 (items 331–350) and Sch 2 (item 1): 12 Apr 2013 (s 2(1) items 2, 3) Sch 3 (items 97, 98): 1 June 2013 (s 2(1) item 20)	Sch 3 (item 98)
Maritime Powers (Consequential Amendments) Act 2013	16, 2013	27 Mar 2013	Schedule 4: 27 Mar 2014 (*see* s. 2(1))	—
Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013	35, 2013	20 May 2013	Sch 1 (items 1–14, 17–62): 1 June 2013 (s 2(1) items 2, 4) Sch 1 (items 15, 16): 21 May 2013 (s 2(1) item 3) Sch 2: 27 Mar 2014 (s 2(1) item 5)	Sch 1 (items 59–62)
Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013	74, 2013	28 June 2013	Schedule 3 (items 3–5): 29 June 2013 Schedule 3 (items 6–10): 27 Mar 2014 (*see* s. 2(1))	Sch. 3 (items 5, 10)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013	98, 2013	28 June 2013	Schedule 1 (items 62, 63): 1 Aug 2013 (*see* F2013L01435)	—
Migration Amendment (Offshore Resources Activity) Act 2013	117, 2013	29 June 2013	Schedule 1: 29 June 2014 Remainder: Royal Assent	Sch. 1 (item 10)
Migration Amendment (Temporary Sponsored Visas) Act 2013	122, 2013	29 June 2013	Sch 1, 4 and 6: 30 June 2013 (s 2(1) items 2, 4, 7) Sch 2 (items 1, 2, 4–6): 23 Nov 2013 (s 2(1) item 3) Sch 5 (items 1–5): 29 June 2013 (s 2(1) item 5) Sch 5 (items 6–12): 1 Oct 2014 (s 2(1) item 6)	Sch 2 (items 4–6), Sch 4 (item 7), Sch 5 (items 5, 12) and Sch 6 (item 19)
as amended by				
Statute Law Revision (Spring 2016) Act 2016	67, 2016	20 Oct 2016	Sch 2 (item 3): 29 June 2013 (s 2(1) item 5)	—
Migration Amendment Act 2014	30, 2014	27 May 2014	Sch 1, Sch 2 (items 1–3, 5) and Sch 3 (items 1, 2, 4, 6, 7): 28 May 2014 (s 2(1) items 2–4, 6–8, 10, 12) Sch 2 (item 4) and Sch 3 (items 3, 5): never commenced (s 2(1) items 5, 9, 11)	Sch 1 (item 30), Sch 2 (item 5) and Sch 3 (item 7)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (items 49, 50), Sch 4 (items 27–47) and Sch 8 (items 26–28): 24 June 2014	—
Migration Legislation Amendment Act (No 1) 2014	106, 2014	24 Sept 2014	Sch 1–4, Sch 5 (items 2, 3) and Sch 6 (item 4): 25 Sept 2014 (s 2(1) items 2, 4) Sch 6 (items 1–3): 1 Jan 2015 (s 2(1) item 3 and F2014L01722)	Sch 1 (items 6, 7), Sch 2 (item 3), Sch 3 (items 4, 5), Sch 4 (item 17), Sch 5 (item 3) and Sch 6 (item 3)
Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014	116, 2014	3 Nov 2014	Sch 4 (items 1–5), Sch 5 and Sch 7 (items 1–4, 6): 4 Nov 2014 (s 2(1) items 3, 5, 6, 8) Sch 6 (items 1–18): 1 July 2015 (s 2(1) item 4) Sch 7 (item 5): 18 Apr 2015 (s 2(1) item 7)	Sch 4 (item 5), Sch 5 (item 61), Sch 6 (item 18) and Sch 7 (item 6)
as amended by				
Migration Amendment (Protection and Other Measures) Act 2015	35, 2015	13 Apr 2015	Sch 5 (item 1): 14 Apr 2015 (s 2(1) item 11)	—
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 2 (item 4): 3 Nov 2014 (s 2(1) item 4)	—
Migration Amendment (Character and General Visa Cancellation) Act 2014	129, 2014	10 Dec 2014	Sch 1 and 2: 11 Dec 2014 (s 2(1) items 2–5) Remainder: 10 Dec (s 2(1) item 1)	Sch 1 (items 29–32) and Sch 2 (items 22, 23)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014	135, 2014	15 Dec 2014	Sch 1 (items 36–38), Sch 2 (items 1–12, 19–25), Sch 2A, Sch 3 (items 1–8), Sch 5 (items 1, 2, 18–22, 27–29), Sch 6 and Sch 7: 16 Dec 2014 (s 2(1) items 2, 3, 5, 6, 9A, 10, 12, 15, 16, 21–23) Sch 2 (items 13–18A, 18F), Sch 4 and Sch 5 (items 4–17): 18 Apr 2015 (s 2(1) items 4, 4A, 11, 14) Sch 5 (items 3, 23–26): never commenced (s 2(1) item 13, 17–20)	Sch 2 (item 19, 21, 25), Sch 3 (item 8), Sch 4 (items 27, 28), Sch 5 (items 27–29), Sch 6 (items 10–15) and Sch 7 (items 16, 17)
as amended by				
Migration Amendment (Protection and Other Measures) Act 2015	35, 2015	13 Apr 2015	Sch 5 (items 2, 3): 14 Apr 2015 (s 2(1) item 11)	—
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 3 (items 117–121); 25 Mar 2015 (s 2(1) item 10)	—
Migration Amendment (Protection and Other Measures) Act 2015	35, 2015	13 Apr 2015	Sch 1 (items 1, 15): 14 Apr 2015 (s 2(1) items 2, 4) Sch 1 (items 2–14), Sch 3 and Sch 4: 18 Apr 2015 (s 2(1) items 3, 9, 10)	Sch 1 (item 15), Sch 3 (items 14–16) and Sch 4 (item 34)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Tribunals Amalgamation Act 2015	60, 2015	26 May 2015	Sch 2 (items 144, 145): never commenced (s 2(1) item 6)	—
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 3, Sch 5 (items 100, 101), Sch 8 (items 8, 9) and Sch 9: 1 July 2015 (s 2(1) items 2, 5, 7)	Sch 3 (item 73) and Sch 9
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 2 (items 249–254): 1 July 2016 (s 2(1) item 5) Sch 2 (items 356–396): 18 June 2015 (s 2(1) item 6)	Sch 2 (items 356–396)
as amended by				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Tribunals Amalgamation Act 2015	60, 2015	26 May 2015	Sch 2 (items 1–143, 148–154, 172–184, 186, 187, 189–192) and Sch 9: 1 July 2015 (s 2(1) items 3–5, 7, 9, 11, 12, 14, 22) Sch 2 (items 155–171, 185, 188): never commenced (s 2(1) items 8, 10, 13)	Sch 2 (item 187, 188) and Sch 9
Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015	62, 2015	16 June 2015	Sch 2 (items 34, 35) and Sch 4: 16 June 2016 (s 2(1) items 2, 4) Sch 3: 16 June 2015 (s 2(1) item 3)	Sch 3 and Sch 4

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Migration Amendment (Regional Processing Arrangements) Act 2015	104, 2015	30 June 2015	Sch 1: 18 Aug 2012 (s 2(1) item 2) Remainder: 30 June 2015 (s 2(1) item 1)	—
Migration Amendment (Strengthening Biometrics Integrity) Act 2015	115, 2015	26 Aug 2015	Sch 1: 16 Feb 2016 (s 2(1) item 2)	Sch 1 (items 55–58)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 380–385): 5 Mar 2016 (s 2(1) item 2)	—
Migration Amendment (Charging for a Migration Outcome) Act 2015	161, 2015	30 Nov 2015	Sch 1 (items 1–18): 14 Dec 2015 (s 2(1) item 2)	Sch 1 (item 18)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 1 (item 22) and Sch 4 (items 1, 207–211, 402–407): 10 Mar 2016 (s 2(1) items 2, 6)	—
Migration Legislation Amendment (Cessation of Visa Labels) Act 2016	34, 2016	23 Mar 2016	Sch 1 (items 2–6): 24 Mar 2016 (s 2(1) item 2)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 316–332), Sch 2 (items 51–57) and Sch 3 (items 29, 30): 21 Oct 2016 (s 2(1) item 1)	—
Statute Law Revision (Spring 2016) Act 2016	67, 2016	20 Oct 2016	Sch 1 (items 30–32): 17 Nov 2016 (s 2(1) item 2)	—
Migration Amendment (Character Cancellation Consequential Provisions) Act 2017	10, 2017	22 Feb 2017	Sch 1: 23 Feb 2017 (s 2(1) item 2)	Sch 1 (item 22)

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(a) The *Migration Act 1958* was amended by section 3 only of the *Administrative Changes (Consequential Provisions) Act 1976*, subsection 2(7) of which provides as follows:

(7) The amendments of each other Act specified in the Schedule made by this Act shall be deemed to have come into operation on 22 December 1975.

(b) The *Migration Act 1958* was amended by sections 58–60 and 115 only of the *Statute Law Revision Act 1981*, subsections 2(1) and (7) of which provide as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(7) Sections 58 and 59 shall be deemed to have come into operation on 1 November 1979.

(c) The *Migration Act 1958* was amended by Part VI (sections 42–51) only of the *Off-shore Installations (Miscellaneous Amendments) Act 1982*, subsection 2(1) of which provides as follows:

(1) Subject to subsection (2), this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(d) The *Off-shore Installations (Miscellaneous Amendments) Act 1982* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(16) of which provides as follows:

(16) The amendment of the *Off-shore Installations (Miscellaneous Amendments) Act 1982* made by this Act shall be deemed to have come into operation on 14 July 1982.

(e) The *Migration Act 1958* was amended by Part VII (sections 17–21) only of the *Torres Strait Treaty (Miscellaneous Amendments) Act 1984*, subsection 2(1) of which provides as follows:

(1) This Act, other than Part X, shall come into operation on the day fixed under section 2 of the *Torres Strait Fisheries Act 1984*.

(f) The *Migration Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(g) The *Migration Act 1958* was amended by Part X (sections 171–175) only of the *Taxation Laws Amendment Act 1984*, subsection 2(3) of which provides as follows:

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(3) The remaining provisions of this Act shall come into operation on the fifty-sixth day after the day on which this Act receives the Royal Assent.

(h) The *Migration Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsections 2(1) and (8) of which provide as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(8) The repeal and re-enactment of section 5A of the *Migration Act 1958* by this Act shall come into operation on a day to be fixed by Proclamation.

(j) The *Migration Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsections 2(1) and (23) of which provide as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(23) The amendments of paragraph 67(1)(c) of the *Migration Act 1958* made by this Act shall come into operation on a day to be fixed by Proclamation for the purposes of this subsection.

(k) The *Migration Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1988*, subsection 2(6) of which provides as follows:

(6) The amendment of the *Migration Act 1958* made by this Act shall be taken to have commenced immediately after the commencement of Part VI of the *Sea Installations (Miscellaneous Amendments) Act 1987*.

Part VI commenced on 3 November 1987.

(l) Section 2 of the *Social Security (Rewrite) Transition Act 1991* provides as follows:

2 This Act commences immediately after the *Social Security Act 1991* commences.

The *Social Security Act 1991* came into operation on 1 July 1991.

(m) Subsection 2(2) of the *Migration Laws Amendment Act 1992* provides as follows:

(2) Part 3 is taken to have commenced immediately after the commencement of the *Migration Amendment Act (No. 2) 1991*.

The *Migration Amendment Act (No. 2) 1991* came into operation on 15 January 1992.

(n) The *Migration Reform Act 1992* was amended by section 84 only of the *Migration Legislation Amendment Act 1994*, subsection 2(2) of which provides as follows:

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(2) Section 84 and Schedule 2 are taken to have commenced immediately after the *Migration Reform Act 1992* received the Royal Assent.

The *Migration Reform Act 1992* received the Royal Assent on 17 December 1992.

(o) The *Migration Reform Act 1992* was amended by Schedule 3 (items 42 and 43) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:

(3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.

(oa) Subsection 2(5) of the *Migration Legislation Amendment Act (No. 1) 1998* provides as follows:

(5) Item 2 of Schedule 8 is taken to have commenced on 7 December 1992 immediately after the *Migration Reform Act 1992* received the Royal Assent.

(p) The *Migration Act 1958* was amended by sections 3–83 only of the *Migration Legislation Amendment Act 1994*, subsection 2(3) of which provides as follows:

(3) The remaining provisions of this Act commence immediately after the commencement of section 3 of the *Migration Reform Act 1992*.

Section 3 commenced on 1 September 1994.

(q) The *Migration Legislation Amendment Act 1994* was amended by Schedule 3 (item 41) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:

(3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.

(r) The *International War Crimes Tribunals (Consequential Amendments) Act 1995* was amended by Schedule 3 (items 35 and 36) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:

(3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.

(s) The *Migration Act 1958* was amended by Schedule 10 (item 4) only of the *Customs, Excise and Bounty Legislation Amendment Act 1995*, subsection 2(5) of which provides as follows:

(5) Schedules 2 and 3, items 1, 26 to 45, 49 to 53 and 56 and 67 of Schedule 4, Schedule 6, items 6 to 11 of Schedule 7 and Schedules 8 and 10 commence on 1 July 1995.

(t) Subsections 2(2) and (3) of the *Migration Legislation Amendment Act (No. 5) 1995* provide as follows:

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(2) Items 2, 3, 4, 6, 7, 11 and 12 of Schedule 1 are taken to have commenced immediately after the commencement of section 83 of the *Migration Legislation Amendment Act 1994*.

(3) Item 18 of Schedule 1 is taken to have commenced immediately after the commencement of the *Migration (Delayed Visa Applications) Tax Act 1992*.

Section 83 commenced on 1 September 1994.

The *Migration (Delayed Visa Applications) Tax Act 1992* came into operation on 1 September 1994.

(ta) Subsections 2(6)–(8) of the *Migration Legislation Amendment Act (No. 1) 1998* provide as follows:

(6) Item 3 of Schedule 8 is taken to have commenced on 15 September 1995, immediately after the commencement of subsection 2(3) of the *Migration Legislation Amendment Act (No. 5) 1995*.

(7) Item 4 of Schedule 8 is taken to have commenced on 15 September 1995, immediately after the commencement of subsection 2(4) of the *Migration Legislation Amendment Act (No. 5) 1995*.

(8) Item 5 of Schedule 8 is taken to have commenced on 15 September 1995, immediately after the commencement of subsection 2(5) of the *Migration Legislation Amendment Act (No. 5) 1995*.

(u) Subsections 2(1) and (3) of the *Migration Legislation Amendment Act (No. 6) 1995* provide as follows:

(1) Subject to this section, this Act is taken to have commenced immediately before the commencement of section 19 of the *Migration Reform Act 1992*.

(3) Sections 6 and 7 are taken to have commenced immediately after the commencement of the *Migration Amendment Act (No. 4) 1992*.

Section 19 commenced on 1 September 1994.

The *Migration Amendment Act (No. 4) 1992* came into operation on 24 December 1992.

(v) The *Migration Act 1958* was amended by the *Family Law Reform (Consequential Amendments) Act 1995*, subsection 2(2) of which provides as follows:

(2) The amendments made by Parts 1, 2, 3, 4, 6, 8, 9 and 10 of Schedule 1 commence on the commencement of section 31 of the *Family Law Reform Act 1995*.

(w) The *Migration Act 1958* was amended by Schedule 5 (item 86) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:

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(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(x) The *Migration Act 1958* was amended by Schedule 1 (item 48) only of the *Environment, Sport and Territories Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.

(y) The *Migration Act 1958* was amended by Schedule 2 (items 8 and 9) only of the *Foreign Affairs and Trade Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(z) Subsection 2(1) of the *Migration Legislation Amendment (Migration Agents) Act 1997* provides as follows:

(1) Subject to this section, this Act commences immediately before 21 March 1998.

(zaa) The *Migration Legislation Amendment (Migration Agents) Act 1997* was amended by Schedule 1 (items 615 and 616) only of the *Public Service Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, ***commencing time*** means the time when the *Public Service Act 1999* commences.

(2) Subject to this section, this Act commences at the commencing time.

(za) The *Migration Act 1958* was amended by Schedules 1–6 only of the *Migration Legislation Amendment Act (No. 1) 1998*, subsections 2(2) and (3) of which provide as follows:

(2) Subject to subsection (3), Schedules 1, 2, 3, 4, 5, 6 and 7 commence on a day or days to be fixed by Proclamation.

(3) If Schedule 1, 2, 3, 4, 5, 6 or 7 does not commence under subsection (2) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

(zb) Subsection 2(2) of the *Migration Legislation Amendment (Temporary Safe Haven Visas) Act 1999* provides as follows:

(2) Item 11 of Schedule 1 commences immediately after the commencement of item 10 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 1998*.

Item 10 commenced on 1 June 1999 (*see Gazette* 1999, No. S51).

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(zc) Subsection 2(3) of the *Migration Legislation Amendment Act (No. 1) 1999* provides as follows:

(3) Item 3 of Schedule 1 commences, or is taken to have commenced, immediately after the commencement of item 2 of Schedule 1 to the *Human Rights Legislation Amendment Act (No. 2) 1999*.

The *Human Rights Legislation Amendment Act (No. 2) 1999* has not been enacted. Therefore this amendment does not commence.

(zd) The *Migration Act 1958* was amended by Schedule 1 (items 607–614) only of the *Public Service Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, ***commencing time*** means the time when the *Public Service Act 1999* commences.

(2) Subject to this section, this Act commences at the commencing time.

(ze) The *Migration Act 1958* was amended by Schedule 1 only of the *Border Protection Legislation Amendment Act 1999*, subsections 2(2), (3) and (6) of which provide as follows:

(2) Division 2 of Part 3 of Schedule 1 commences immediately after the commencement of Schedule 2 to the *Fisheries Legislation Amendment Act (No. 1) 1999*.

(3) Part 5 of Schedule 1 is taken to have commenced on 1 September 1994, immediately after the commencement of section 83 of the *Migration Legislation Amendment Act 1994*.

(6) Subject to subsections (7) and (8), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

Schedule 2 to the *Fisheries Legislation Amendment Act (No. 1) 1999* commenced on 11 December 2001 (*see Gazette* 2001, No. S485).

(zf) The *Migration Act 1958* was amended by Schedule 3 (items 1 and 40–43) only of the *Australian Security Intelligence Organisation Legislation Amendment Act 1999*, subsection 2(2) of which provides as follows:

(2) Subject to subsections (3) to (6), Schedule 3 commences immediately after the commencement of the other Schedules to this Act.

The other Schedules to this Act commence on Royal Assent.

(zg) The *Migration Act 1958* was amended by Schedule 2 (item 36) only of the *Timor Gap Treaty (Transitional Arrangements) Act 2000*, subsection 2(2) of which provides as follows:

(2) Sections 3 to 7 and Schedules 1 and 2 (other than items 18 to 25 of Schedule 2) are taken to have commenced at the transition time.

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(zh) The *Migration Act 1958* was amended by the *Migration Legislation Amendment Act (No. 1) 2000*, subsections 2(2), (5), (7) and (11) of which provide as follows:

(2) Subject to subsection (3), Schedules 1, 2, 3, 4, 6, 7 and 8 commence on a day or days to be fixed by Proclamation.

(5) If this Act receives the Royal Assent after the date of commencement of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 1998*, then, subject to subsection (8), Part 1 of Schedule 5 to this Act commences on a day to be fixed by Proclamation.

(7) If this Act receives the Royal Assent on or after the date of commencement of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 1998*, Part 2 of Schedule 5 to this Act does not commence and is taken not to have been enacted.

(11) If an Act entitled *Migration Legislation Amendment (Judicial Review) Act 2000* has been enacted but has not commenced on or before 1 June 1999, or has not been enacted on or before that date, and this Act receives the Royal Assent after that date, Schedule 9 is taken to have commenced on 1 June 1999.

(zha) Subsection 2(1) (item 31) of the *Statute Law Revision Act 2006* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provision(s)	**Commencement**	**Date/Details**
31. Schedule 2, item 16	Immediately after the time specified in the *Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000* for the commencement of item 277 of Schedule 2 to that Act.	24 May 2001

(zi) The *Migration Act 1958* was amended by Schedule 3 only of the *Education Services for Overseas Students (Consequential and Transitional) Act 2000*, subsection 2(4) of which provides as follows:

(4) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

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(zj) The *Migration Act 1958* was amended by the *Migration Legislation Amendment (Integrity of Regional Migration Schemes) Act 2001*, subsections 2(1) and (3)(b) of which provide as follows:

(1) Subject to this section, this Act (other than item 4 of Schedule 1) commences on a day to be fixed by Proclamation.

(3) Item 4 of Schedule 1 commences at the later of the following times:

(b) the commencement of Parts 4 to 10 of the Act that establishes the Administrative Review Tribunal.

Note: The short title of the Act that establishes the Administrative Review Tribunal is either the *Administrative Review Tribunal Act 2000* or the *Administrative Review Tribunal Act 2001*.

The *Administrative Review Tribunal Bill* has not been enacted. Therefore this amendment does not commence.

(zk) Subsections 2(5) and (6) of the *Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001* provide as follows:

(5) Item 2 of Schedule 4 to this Act commences immediately after the commencement of item 2 of Schedule 2 to the *Migration Legislation Amendment (Overseas Students) Act 2000*.

(6) Item 3 of Schedule 4 to this Act commences immediately after the commencement of item 12 of Schedule 3 to the *Migration Legislation Amendment Act (No. 1) 1998*.

Item 2 of Schedule 2 to the *Migration Legislation Amendment (Overseas Students) Act 2000* commenced on 1 March 2001.

Item 12 of Schedule 3 to the *Migration Legislation Amendment Act (No. 1) 1998* commenced on 1 June 1999.

(zl) The *Migration Act 1958* was amended by the *Migration Legislation Amendment (Immigration Detainees) Act 2001*, subsections 2(1) and (4)(b) of which provide as follows:

(1) Subject to this section, this Act (other than item 5 of Schedule 1) commences on a day or days to be fixed by Proclamation.

(4) Item 5 of Schedule 1 commences or is taken to have commenced:

(b) when item 1 of Schedule 1 to the *Migration Legislation Amendment (Application of Criminal Code) Act 2001* commences, if that item commences after item 4 of Schedule 1 to this Act commences.

Item 1 of Schedule 1 to the *Migration Legislation Amendment (Application of Criminal Code) Act 2001* commenced on 19 September 2001.

(zm) Subsections 2(4), (4A) and (6) of the *Migration Legislation Amendment Act (No. 1) 2001* provide as follows:

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(4) Part 1 of Schedule 2 is taken to have commenced on 1 June 1999, immediately after the commencement of item 23 of Schedule 1 to the *Migration Legislation Amendment (Strengthening of Provisions relating to Character and Conduct) Act 1998*.

(4A) Item 7A of Schedule 2 is taken to have commenced on 16 December 1999, immediately after the commencement of item 11 of Schedule 1 to the *Border Protection Legislation Amendment Act 1999*.

(6) Item 10 of Schedule 2 is taken to have commenced on 1 March 2000, immediately after the commencement of item 5 of Schedule 2 to the *Migration Legislation Amendment (Migration Agents) Act 1999*.

(zn) Section 2 of the *Migration Legislation Amendment Act (No. 5) 2001* provides as follows:

2 This Act commences on 21 December 2001, immediately after the commencement of Schedule 1 to the *Privacy Amendment (Private Sector) Act 2000*.

(zo) Subsections 2(4), (5), (6), (7) and (8) of the *Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001* provide as follows:

(4) Schedule 3 commences immediately after the later of the following:

(a) the commencement of section 1;

(b) the commencement of Schedule 1 to the *Migration Legislation Amendment (Judicial Review) Act 2001*.

(5) Items 1, 2, 3 and 9 of Schedule 4 do not commence if Schedule 1 to the *Migration Legislation Amendment (Judicial Review) Act 2001* commences on or before the day on which this Act receives the Royal Assent.

(6) Subject to subsection (5), items 1, 2, 3 and 9 of Schedule 4 commence immediately after the later of the following:

(a) the commencement of section 1;

(b) the commencement of Part 1 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2001*.

(7) Items 4, 5, 6, 7, 8 and 10 of Schedule 4 commence immediately after the later of the following:

(a) the commencement of section 1;

(b) the commencement of Part 2 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2001*.

(8) Schedule 5 commences immediately after the later of the following:

(a) the commencement of section 1;

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(b) the commencement of Part 1 of Schedule 1 to the *Migration Legislation Amendment Act (No. 6) 2001*.

Schedule 1 to the *Migration Legislation Amendment (Judicial Review) Act 2001* commenced on 2 October 2001.

Part 2 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2001* and Part 1 of Schedule 1 to the *Migration Legislation Amendment Act (No. 6) 2001* commenced on 1 October 2001.

(zp) Subsection 2(1) (item 2) of the *Migration Legislation Amendment (Contributory Parents Migration Scheme) Act 2003* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of the *Migration (Visa Application) Charge Amendment Act 2003*	20 March 2003

(zq) Subsection 2(1) (items 21–23) of the *Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
21. Schedule 2, item 33	The day on which this Act receives the Royal Assent. However, the provision(s) do not commence at all if item 6 of Schedule 6 to the *Migration Legislation Amendment Act (No. 1) 2004* commences before, or on the same day as, the day on which this Act receives the Royal Assent.	25 March 2004

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Provision(s)	Commencement	Date/Details
22. Schedule 2, item 34	Immediately after the commencement of item 6 of Schedule 6 to the *Migration Legislation Amendment Act (No. 1) 2004*. However, the provision(s) do not commence at all if this Act receives the Royal Assent on a day that is before the day on which item 6 of Schedule 6 to the *Migration Legislation Amendment Act (No. 1) 2004* commences.	Does not commence
23. Schedule 2, item 35	Immediately after the commencement of the provision(s) covered by table item 21 or table item 22, whichever of those provision(s) commences.	25 March 2004

(zr) Subsection 2(1) (item 3) of the *Migration Amendment (Detention Arrangements) Act 2005* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
3. Schedule 1, item 17	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of item 15 of Schedule 1 to the *Migration Litigation Reform Act 2005*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 December 2005 (paragraph (b) applies)

(zs) Subsection 2(1) (items 3 and 10) of the *Fisheries Legislation Amendment (International Obligations and Other Matters) Act 2005* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Endnote 3—Legislation history

Provision(s)	Commencement	Date/Details
3. Schedule 1, item 5	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 2 years beginning on the day on which this Act receives the Royal Assent, the provisions are repealed on the first day after the end of that period.	Repealed on 6 July 2007
10. Schedule 1, item 59	The later of: (a) immediately after the commencement of Part 1 of Schedule 2 to the *Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Act 2005*; and (b) immediately after the commencement of the provision(s) covered by table item 3. However, the provision(s) do not commence at all unless both of the events mentioned in paragraphs (a) and (b) occur.	Does not commence

(zt) Subsection 2(1) (items 4 and 7) of the *Migration and Ombudsman Legislation Amendment Act 2005* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
4. Schedule 2, item 26	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of item 16 of Schedule 1 to the *Postal Industry Ombudsman Act 2006*. However, if item 16 of Schedule 1 to the *Postal Industry Ombudsman Act 2006* does not commence at or before the start of the day on which this Act receives the Royal Assent, the provision(s) do not commence at all.	Does not commence

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Provision(s)	Commencement	Date/Details
7. Schedule 2, item 32	Immediately before the commencement of item 16 of Schedule 1 to the *Postal Industry Ombudsman Act 2006*. However, if item 16 of Schedule 1 to the *Postal Industry Ombudsman Act 2006* commences at or before the start of the day on which this Act receives the Royal Assent, the provision(s) do not commence at all.	6 October 2006

(zu) Subsection 2(1) (items 2 and 4–7) of the *Migration Legislation Amendment (Information and Other Measures) Act 2007* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1, Part 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	1 May 2007 (*see* F2007L01135)
4. Schedule 1, items 66 and 67	Immediately before the commencement of Schedules 1 and 3 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007*. However, items 66 and 67 of Schedule 1 to this Act do not commence at all if Schedules 1 and 3 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007* commence at or before the time that the provision(s) covered by table item 2 commence.	1 July 2007

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Endnote 3—Legislation history

Provision(s)	Commencement	Date/Details
5. Schedule 1, item 68	The later of: (a) the time the provision(s) covered by table item 2 commence; and (b) immediately after the commencement of Schedule 1 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 July 2007 (paragraph (b) applies)
6. Schedule 1, item 69	At the same time as the provision(s) covered by table item 2. However, item 69 of Schedule 1 to this Act does not commence at all if Schedule 1 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007* does not commence at or before that time.	Does not commence
7. Schedule 1, item 70	Immediately after the commencement of Schedule 1 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007*. However, item 70 of Schedule 1 to this Act does not commence at all if Schedule 1 to the *Australian Citizenship (Transitionals and Consequentials) Act 2007* commences at or before the time the provision(s) covered by table item 2 commence.	1 July 2007

(zv) Subsection 2(1) (items 2 and 4) of the *Migration Amendment (Maritime Crew) Act 2007* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1, Part 1	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	1 July 2007 (*see* F2007L01795)

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Provision(s)	Commencement	Date/Details
4. Schedule 1, item 17	Immediately after the provision(s) covered by table item 2. However, if items 4 and 5 of Schedule 1 to the *Migration Amendment (Visa Integrity) Act 2007* do not commence at the same time as or before the provisions covered by table item 2 commence, the provision(s) do not commence at all.	Does not commence

(zw) Subsection 2(1) (item 23) of the *Statute Law Revision Act 2008* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
23. Schedule 1, items 32 and 33	Immediately after the commencement of item 2 of Schedule 2 to the *Migration Legislation Amendment (Overseas Students) Act 2000*.	1 March 2001

(zx) Subsection 2(1) (items 2, 3, 5, 7 and 9) of the *Migration Amendment (Notification Review) Act 2008* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1, items 1 and 2	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	5 December 2008 (F2008L04521)

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Endnote 3—Legislation history

Provision(s)	Commencement	Date/Details
3. Schedule 1, item 3	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 13 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2008*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	5 December 2008 (paragraph (a) applies)
5. Schedule 1, item 5	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 13 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2008*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	5 December 2008 (paragraph (a) applies)
7. Schedule 1, item 13	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 26 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2008*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	5 December 2008 (paragraph (a) applies)
9. Schedule 1, item 15	The later of: (a) immediately after the commencement of the provision(s) covered by table item 2; and (b) immediately after the commencement of item 26 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 2008*. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	5 December 2008 (paragraph (a) applies)

(zy) Subsection 2(1) (item 35) of the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* provides as follows:

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(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
35. Schedule 12, item 4	The later of: (a) immediately after the commencement of Part 2-4 of the *Fair Work Act 2009*; and (b) immediately after the commencement of Schedule 1 to the *Migration Legislation Amendment (Worker Protection) Act 2008*.	14 September 2009 (paragraph (b) applies)

(zz) Subsection 2(1) (item 3) of the *Migration Amendment (Abolishing Detention Debt) Act 2009* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
3. Schedule 1, Part 2	At the same time as the provision(s) covered by table item 2. However, if Schedule 1 to the *Migration Legislation Amendment (Worker Protection) Act 2008* commences at or before that time, the provision(s) do not commence at all.	Does not commence

(zza) Subsection 2(1) (item 7) of the *Freedom of Information Amendment (Reform) Act 2010* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
7. Schedules 4 to 7	Immediately after the commencement of section 3 of the *Australian Information Commissioner Act 2010*. However, if section 3 of the *Australian Information Commissioner Act 2010* does not commence, the provision(s) do not commence at all.	1 November 2010

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Endnote 3—Legislation history

(zzb) Subsection 2(1) (items 2, 3 and 5) of the *Migration Amendment (Complementary Protection) Act 2011* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
2. Schedule 1, items 1 to 17	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	24 March 2012 (F2012L00650)
3. Schedule 1, item 18	Immediately after the commencement of the provision(s) covered by table item 2.	24 March 2012
5. Schedule 1, item 21	Immediately after the commencement of the provision(s) covered by table item 2.	24 March 2012

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Endnote 4—Amendment history

Provision affected	How affected
Title	am. No. 112, 1983
Part 1	
s. 3	am. No. 216, 1973; No. 112, 1983; No. 59, 1989; No. 184, 1992
s. 3A	ad. No. 102, 1995
s. 3B	ad. No. 160, 1999
s. 4	ad. No. 184, 1992
	am. No. 60, 1994; No. 113, 2012; No. 35, 2013; No 115, 2015
s. 4AA	ad. No. 79, 2005
s. 4A	ad. No. 97, 2001
s. 5	am. No. 10, 1966; No. 216, 1973; No. 91, 1976; Nos. 117 and 118, 1979; Nos. 89 and 175, 1980; No. 51, 1982; No. 112, 1983; Nos. 22 and 123, 1984; No. 168, 1986; Nos. 86, 104 and 141, 1987; Nos. 38, 49 and 151, 1988; No. 59, 1989 (as am. by No. 159, 1989); No. 37, 1990; Nos. 70, 86 and 196, 1991; Nos. 24, 84 and 176, 1992; No. 184, 1992 (as am. by No. 59, 1993); No. 59, 1993; Nos. 14, 20 and 60, 1994; No. 100, 1995; Nos. 27 and 205, 1997; No. 113, 1998; No. 160, 1999; Nos. 25, 28, 137 and 168, 2000; Nos. 85, 97, 126, 127, 128 and 134, 2001; No. 10, 2002; Nos. 5, 10 and 99, 2003; Nos. 2 and 64, 2004; Nos. 7, 79, 103 and 137, 2005; Nos. 17 and 165, 2006; Nos. 62, 63 and 73, 2007; Nos. 36, 117, 144 and 159, 2008; Nos. 5, 46 and 121, 2011; Nos. 7, 113 and 125, 2012; No 10, 13, 16, 35, 117, 2013; No 122, 2013; No 30, 2014; No 31, 2014; No 116, 2014; No 135, 2014; No 35, 2015; No 41, 2015; No 59, 2015; No 60, 2015; No 115, 2015; No 34, 2016; No 67, 2016
s 5AAA	ad No 35, 2015
s 5AA	ad. No. 35, 2013
	am No 35, 2013; No 135, 2014; No 59, 2015
	ed C134
s. 5A	ad. No. 2, 2004
	am. No. 63, 2007; No. 121, 2011; No. 35, 2013; No 116, 2014; No 135, 2014; No 115, 2015
s. 5B	ad. No. 2, 2004

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Endnote 4—Amendment history

Provision affected	How affected
	am. Nos. 62 and 63, 2007; No 115, 2015
s 5C	ad. No. 2, 2004
	am No 129, 2014; No 10, 2017
ss. 5CA, 5CB	ad. No. 144, 2008
s. 5D	ad. No. 2, 2004
	am No 41, 2015
s. 5E	ad. No. 137, 2005
s. 5F	ad. No. 144, 2008
s 5G	ad. No. 144, 2008
s 5H	ad No 135, 2014
s 5J	ad No 135, 2014
s 5K	ad No 135, 2014
s 5L	ad No 135, 2014
s 5LA	ad No 135, 2014
s 5M	ad No 135, 2014
s. 6	ad. No. 184, 1992
	am No 117, 2013
s. 7	ad. No. 175, 1980
	rs. No. 168, 1986
	am. No. 118, 1997; No 59, 2015
s. 7A	ad. No. 126, 2001
s. 8	ad. No. 51, 1982
	am. No. 104, 1987
s. 9	ad. No. 104, 1987
s 9A	ad No 117, 2013
	am No 126, 2015
s. 10	ad. No. 59, 1989
	am. No. 184, 1992
s. 11	ad. No. 59, 1989
	am. No. 184, 1992 (as am. by No. 60, 1994); No. 60, 1994
s. 12	ad. No. 59, 1989

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Provision affected	How affected
Part 2	
Part 2 heading	rs. No. 112, 1983; No. 184, 1992; No 116, 2014
Division 1	
Division 1 heading	am. No. 151, 1988
	rs. No. 184, 1992
Division 1	ad. No. 59, 1989
s. 13	am. No. 117, 1979; No. 175, 1980; No. 112, 1983; No. 133, 1987; Nos. 49 and 151, 1988
	rs. No. 59, 1989 (as am. by No. 159, 1989)
	am. No. 84, 1992
	rs. No. 184, 1992
	am. No. 59, 1993; No. 60, 1994
s. 14	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 133, 1987
	rs. No. 59, 1989
	am. No. 84, 1992
	rs. No. 184, 1992
	am. No. 59, 1993
s. 15	am. No. 87, 1964; No. 10, 1966; No. 117, 1979; No. 61, 1981; No. 112, 1983; No. 22, 1984
	rs. No. 59, 1989; No. 184, 1992
	am. No. 60, 1994
s. 16	am. No. 117, 1979; No. 112, 1983
	rs. No. 59, 1989
	am. No. 86, 1991
	rs. No. 184, 1992
s. 17	rs. No. 117, 1979
	am. No. 141, 1987; No. 151, 1988
	rs. No. 59, 1989
	am. No. 184, 1992
Division 2	
Division 2 heading	am. No. 184, 1992

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Endnote 4—Amendment history

Provision affected	How affected
Division 2	ad. No. 196, 1991
s. 18	ad. No. 196, 1991
	am. No. 184, 1992; No. 137, 2000 (as am. by No. 9, 2006)
ss. 19, 20	ad. No. 196, 1991
s. 21	ad. No. 196, 1991
	am. No. 184, 1992; No. 97, 2001
ss. 22, 23	ad. No. 196, 1991
	rep. No. 137, 2000
s. 24	ad. No. 196, 1991
	am. No. 137, 2000
ss. 25–27	ad. No. 196, 1991
Division 3	
Division 3 heading	rs. No. 184, 1992
Subdivision A	
Subdivision A heading	rs. No. 184, 1992
s. 28	ad. No. 59, 1989
	am. Nos. 86 and 196, 1991; No. 175, 1992; No. 14, 1994
	rs. No. 184, 1992
s. 29	ad. No. 59, 1989 (as am. by No. 159, 1989)
	am. Nos. 86 and 198, 1991; Nos. 175 and 176, 1992; No. 14, 1994
	rs. No. 184, 1992
	am. No. 60, 1994; No. 73, 2007
s. 30	ad. No. 59, 1989
	rs. No. 184, 1992
s. 31	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994; No. 34, 1999; No. 73, 2007; No. 85, 2008; No 135, 2014
s. 32	ad. No. 184, 1992
	am. No. 60, 1994; No. 134, 2001; No. 62, 2007
s. 33	ad. No. 60, 1994

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Provision affected	How affected
	am. No. 62, 2007; No. 85, 2008; No 116 and 129, 2014; No 34, 2016
s 34	ad No 60, 1994
	am No 34, 2016
s 35	ad No 60, 1994
	am No 34, 2016
s 35A	ad No 135, 2014
	am No 135, 2014
s. 36	ad No 184, 1992
	am No 60, 1994; No 160, 1999; No 131, 2001; No 134, 2001; No 144, 2008; No 121, 2011; No 113, 2012; No 30, 2014; No 135, 2014
s. 37	ad. No. 184, 1992
	am. No. 60, 1994
s. 37A	ad. No. 34, 1999
s. 38	ad. No. 184, 1992
s. 38A	ad. No. 160, 1999
s. 38B	ad. No. 73, 2007
s. 39	ad. No. 184, 1992
	am. No. 60, 1994; No. 141, 2005; No 126, 2015
s 39A	ad No 135, 2014
	am No 126, 2015
s. 40	ad. No. 184, 1992
	am. No. 60, 1994; No. 2, 2004; No 115, 2015
s. 41	ad. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998; No. 168, 2000; No 117, 2013
s. 42	ad. No. 184, 1992
	am. No. 60, 1994; No. 160, 1999; No. 157, 2001; No. 10, 2002; No. 73, 2007; No 13, 2013; No 16, 2013; No 135, 2014; No 59, 2015
s. 43	ad. No. 184, 1992
	am. No. 60, 1994; No. 160, 1999; No. 103, 2005; No. 165, 2006; No. 73, 2007; No. 36, 2008; No 16, 2013
Subdivision AA	

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision AA heading	ad. No. 184, 1992
s. 44	ad. No. 184, 1992
	am. No. 160, 1999
s. 45	ad. No. 184, 1992
	am. No. 60, 1994; No. 28, 2000
s 45AA	ad No 135, 2014
	am No 135, 2014; No 126, 2015
s. 45A	ad. No. 27, 1997
s. 45B	ad. No. 27, 1997
	am. No. 5, 2003
s. 45C	ad. No. 27, 1997
s. 46	ad. No. 184, 1992
	am No 60, 1994; No 102, 1995; No 27, 1997; No 113, 1998; No 114, 1998; No 34, 1999; No 160, 1999; No 28, 2000; No 168, 2000; No. 2, 2004; No 135, 2014; No 115, 2015
s 46AA	ad No 135, 2014
	am No 135, 2014
s 46A	ad No 127, 2001
	am No 35, 2013; No 135, 2014; No 35, 2015
s 46B	ad No 10, 2002
	am No 35, 2015
s. 47	ad. No. 184, 1992
	am. No. 60, 1994
s. 48	ad. No. 184, 1992
	rs. No. 60, 1994
	am No. 114, 1998; No 160, 1999; No 168, 2000; No 33, 2001; No 85, 2008; No 106, 2014; No 129, 2014; No 135, 2014
s. 48A	ad. No. 102, 1995
	am. No. 160, 1999; No. 131, 2001; No. 144, 2008; No. 121, 2011; No 30, 2014; No 106, 2014; No 135, 2014
s. 48B	ad. No. 102, 1995
ss. 49, 50	ad. No. 184, 1992

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Provision affected	How affected
	am. No. 60, 1994; No. 102, 1995
s. 51	ad. No. 184, 1992
Subdivision AB	
Subdivision AB heading	ad. No. 184, 1992
s. 51A	ad. No. 60, 2002
s. 52	ad. No. 184, 1992
	am. No. 60, 1994; No. 58, 2001
s. 53	ad. No. 184, 1992
	am. No. 60, 1994; No. 43, 1996
	rep. No. 58, 2001
s. 54	ad. No. 184, 1992
	rs. No. 60, 1994
ss. 55, 56	ad. No. 184, 1992
	am. No. 60, 1994
s 57	ad No 184, 1992
	rs No 60, 1994
	am No 106, 2014; No 135, 2014 (md not incorp Sch 4 item 11)
s. 58	ad. No. 184, 1992
	am. No. 60, 1994
s. 59	ad. No. 184, 1992
s 60	ad No 184, 1992
	am No 60, 1994
s 61	ad No 184, 1992
	am No 60, 1994
s 62	ad No 184, 1992
	am No 60, 1994
	ed C134
s. 63	ad. No. 184, 1992
	am. No. 60, 1994; No. 27, 1997
s. 64	ad. No. 60, 1994
	am. No. 100, 1995; No. 27, 1997

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision AC	
Subdivision AC heading	ad. No. 184, 1992
	rs No 60, 1994
s 65	ad No 184, 1992
	am No 60, 1994; No 100, 1995; No 27, 1997; No 34, 1999; No 79, 2005; No 135, 2014 (md Sch 4 items 12, 13); No 35, 2015; No 4, 2016
s. 65A	ad. No. 141, 2005
	rep No 135, 2014
s 66	ad No 184, 1992
	am No 60, 1994; No 114, 1998; No 135, 2014
s. 67	ad. No. 184, 1992
	rs No 30, 2014
s. 68	ad. No. 184, 1992
	am. No. 60, 1994
s. 69	ad. No. 184, 1992
	am. No. 58, 2001
Subdivision AE heading	ad. No. 184, 1992
	rep No 34, 2016
Subdivision AE	rep No 34, 2016
s. 70	ad. No. 184, 1992
	rs. No. 125, 2012
	rep No 34, 2016
s. 71	ad. No. 184, 1992
	am. No. 60, 1994
	rs. No. 125, 2012
	rep No 34, 2016
s. 71A	ad. No. 125, 2012
	rep No 34, 2016
s. 71B	ad. No. 125, 2012
	rep No 34, 2016
Subdivision AF	

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Provision affected	How affected
Subdivision AF heading	ad. No. 184, 1992
s. 72	ad. No. 184, 1992
	rs. No. 60, 1994
	am. No. 100, 1995
s. 73	ad. No. 184, 1992
	am. No. 60, 1994; No. 134, 2001
s. 74	ad. No. 184, 1992
	rs. No. 60, 1994
s. 75	ad. No. 60, 1994
s. 76	ad. No. 184, 1992
	am. No. 60, 1994
Subdivision AG	
Subdivision AG heading	ad. No. 184, 1992
s 77	ad No 184, 1992
	am No 60, 1994
s 78	ad No 184, 1992
	am No 60, 1994; No 34, 2016
s 79	ad No 184, 1992
	am No 60, 1994
s. 80	ad. No. 184, 1992
	rs. No. 60, 1994
s. 81	ad. No. 184, 1992
s. 82	ad. No. 184, 1992
	am. No. 60, 1994; No. 160, 1999; No. 73, 2007; No. 85, 2008
s. 83	ad. No. 59, 1989
	am. No. 184, 1992; No. 144, 2008
s. 84	ad. No. 59, 1989
	am. Nos. 175 and 184, 1992; No. 60, 1994 (as am. by No. 43, 1996); No. 100, 1995; No. 27, 1997; No. 58, 2001; No. 144, 2008; No 135, 2014
Subdivision AH	
Subdivision AH heading	ad. No. 59, 1993

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision AH	ad. No. 175, 1992
s 85	ad No 175, 1992
	am No 135, 2014
s 86	ad No 175, 1992
s. 87	ad. No. 175, 1992
	am. No. 60, 1994; No. 27, 1997; No. 144, 2008
s. 87A	ad. No. 28, 2000
s. 88	ad. No. 175, 1992
s. 89	ad. No. 175, 1992
	am. No. 60, 1994
ss. 90, 91	ad. No. 175, 1992
Subdivision AI	
Subdivision AI heading	rs. No. 34, 1999
Subdivision AI	ad. No. 136, 1994
ss. 91A–91E	ad. No. 136, 1994
s. 91F	ad. No. 136, 1994
	am. No. 1, 1995
s. 91G	ad. No. 1, 1995
	am. No. 113, 1998; No 60, 2015
Subdivision AJ	
Subdivision AJ	ad. No. 34, 1999
s 91H	ad No 34, 1999
	am No 35, 2015
s 91J	ad No 34, 1999
	am No 35, 2015
s 91K	ad No 34, 1999
s 91L	ad No 34, 1999
Subdivision AK	
Subdivision AK	ad. No. 160, 1999
s. 91M	ad. No. 160, 1999
s. 91N	ad. No. 160, 1999

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Provision affected	How affected
	am. No. 121, 2011
ss. 91P, 91Q	ad. No. 160, 1999
Subdivision AL	
Subdivision AL	ad. No. 131, 2001
s 91R	ad. No. 131, 2001
	rep No 135, 2014
s 91S	ad. No. 131, 2001
	am No 144, 2008
	rep No 135, 2014
s 91T	ad. No. 131, 2001
	am. No. 121, 2011
	rep No 135, 2014
s 91U	ad No. 131, 2001
	rep No 135, 2014
s 91V	ad No 131, 2001
s 91W	ad No 131, 2001
	am No 35, 2015
s 91WA	ad No 35, 2015
s 91WB	ad No 35, 2015
s. 91X	ad. No. 131, 2001
	am. No. 157, 2001; No. 13, 2013
s. 91Y	ad. No. 141, 2005
	rep No 135, 2014
Subdivision B	
s. 92	ad. No. 59, 1989
	am. No. 14, 1994
s. 93	ad. No. 59, 1989 (as am. by No. 159, 1989)
s. 94	ad. No. 59, 1989
	am. Nos. 14 and 60, 1994
s. 95	ad. No. 14, 1994
	am. No. 28, 2000

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Endnote 4—Amendment history

Provision affected	How affected
s. 95A	ad. No. 28, 2000
s. 96	ad. No. 59, 1989
	am. No. 14, 1994
Subdivision C	
Subdivision C heading	ad No 184, 1992
s 97	ad No 59, 1989
	am No 196, 1991; No 14, 1994
	rs No 184, 1992
	am No 60, 1994; No 58, 2001; No 35, 2015
s. 97A	ad. No. 60, 2002
s. 98	ad. No. 59, 1989
	am. Nos. 86 and 198, 1991; No. 176, 1992
	rs. No. 184, 1992
s. 99	ad. No. 59, 1989 (as am. by No. 159, 1989)
	am. No. 196, 1991
	rs. No. 184, 1992
	am. No. 62, 2007; No 60, 2015
s. 100	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 62, 2007
s. 101	ad. No. 59, 1989
	am. No. 86, 1991; No. 24, 1992
	rs. No. 184, 1992
	am. No. 60, 1994; No. 62, 2007
s. 102	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994
s. 103	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994; No. 62, 2007; No 116, 2014; No 60, 2015
s. 104	ad. No. 59, 1989

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Provision affected	How affected
	am. No. 175, 1992
	rs. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998; No. 58, 2001
s. 105	ad. No. 59, 1989 (as am. by No. 159, 1989)
	am. No. 14, 1994
	rs. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998; No. 58, 2001; No. 62, 2007
s. 106	ad. No. 59, 1989
	am. No. 14, 1994
	rs. No. 184, 1992
	am. No. 62, 2007
s. 107	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998
s. 107A	ad. No. 113, 1998
s. 108	ad. No. 59, 1989
	rs. No. 184, 1992
ss. 109, 110	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994
s. 111	ad. No. 59, 1989
	rs. No. 86, 1991; No. 184, 1992
s 112	ad No 59, 1989
	rs No 184, 1992
	ed C134
s 113	ad No 59, 1989
	rs No 184, 1992
s. 114	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 113, 1998; No. 157, 2001; No. 13, 2013; No 60, 2015
s. 115	ad. No. 184, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 59, 1993
Subdivision D	
Subdivision D heading	ad. No. 184, 1992
s. 116	ad. No. 184, 1992
	am. No. 60, 1994; No. 168, 2000; No 129, 2014; No 161, 2015
s. 117	ad. No. 184, 1992
	am. No. 60, 1994; No 129, 2014; No 161, 2015
s 118	ad. No. 184, 1992
	rs. No. 60, 1994
	am. No. 114, 1998; No. 34, 1999; No. 33, 2001; No 116 and 129, 2014; No 10, 2017
Subdivision E	
Subdivision E heading	ad. No. 184, 1992
s. 118A	ad. No. 60, 2002
s. 119	ad. No. 184, 1992
	am. No. 60, 1994
s. 120	ad. No. 184, 1992
	rs. No. 60, 1994
ss. 121–123	ad. No. 184, 1992
	am. No. 60, 1994
s. 124	ad. No. 184, 1992
ss. 125, 126	ad. No. 184, 1992
	am. No. 60, 1994
s. 127	ad. No. 184, 1992
	am. No. 113, 1998
Subdivision F	
Subdivision F heading	ad. No. 184, 1992
s. 127A	ad. No. 60, 2002
s. 128	ad. No. 184, 1992
	am. No. 113, 1998
s. 129	ad. No. 184, 1992

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Provision affected	How affected
	am. No. 60, 1994; No. 113, 1998
s. 130	ad. No. 184, 1992
	am. No. 60, 1994
ss. 131, 132	ad. No. 184, 1992
s. 133	ad. No. 184, 1992
	am. No. 60, 1994
Subdivision FA	
Subdivision FA heading	ad No 129, 2014
s 133A	ad No 129, 2014
	am No 60, 2015
s 133B	ad No 129, 2014
s 133C	ad No 129, 2014
	am No 60, 2015
s 133D	ad No 129, 2014
s 133E	ad No 129, 2014
s 133F	ad No 129, 2014
Subdivision FB	
Subdivision FB heading	ad No 116, 2014
s 134A	ad No 116, 2014
s 134B	ad No 116, 2014
s 134C	ad No 116, 2014
s 134D	ad No 116, 2014
s 134E	ad No 116, 2014
s 134F	ad No 116, 2014
Subdivision G	
Subdivision G heading	ad. No. 84, 1992
s. 134	ad. No. 84, 1992
	am. No. 184, 1992 (as am. by No. 60, 1994); No. 60, 1994; No. 110, 1995; No. 144, 2008; No 30, 2014
s. 135	ad. No. 84, 1992
	am. No. 184, 1992; No. 110, 1995

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Endnote 4—Amendment history

Provision affected	How affected
s. 136	ad. No. 84, 1992
	am. No. 110, 1995
s. 137	ad. No. 84, 1992
	am. No. 184, 1992; No. 137, 2000; No. 97, 2001; No 41, 2015; No 61, 2016
Subdivision GA	ad. No. 28, 2000
	rep. No. 159, 2008
ss. 137A–137F	ad. No. 28, 2000
	rep. No. 159, 2008
s. 137G	ad. No. 28, 2000
	am. No. 157, 2001
	rep. No. 159, 2008
s. 137H	ad. No. 28, 2000
	rep. No. 159, 2008
Subdivision GB	
Subdivision GB	ad. No. 168, 2000
s. 137J	ad. No. 168, 2000
	am. No. 144, 2006; No. 70, 2007; No. 192, 2012
Note 2 to s. 137J(1)	ad. No. 192, 2012
ss. 137K–137N	ad. No. 168, 2000
s. 137P	ad. No. 168, 2000
Subdivision GC	
Subdivision GC	ad. No. 33, 2001
ss. 137Q–137S	ad. No. 33, 2001
s. 137T	ad. No. 33, 2001
	am. No. 144, 2008
Subdivision H	
Subdivision H heading	ad. No. 184, 1992
s. 138	ad. No. 184, 1992
	am. No. 168, 2000
	rs No 30, 2014

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Provision affected	How affected
s. 139	ad. No. 184, 1992
	am No 129, 2014
s. 140	ad. No. 184, 1992
	am. No. 60, 1994; No. 168, 2000; No. 129, 2001; No. 144, 2008; No 129, 2014
Division 3A	
Division 3A	ad. No. 99, 2003
Subdivision A	
Subdivision A heading	rs. No. 159, 2008
s. 140A	ad. No. 99, 2003
s. 140AA	ad. No. 122, 2013
s. 140AB	ad. No. 122, 2013
Subdivision B	
Subdivision B heading	rs. No. 159, 2008
ss. 140B–140D	ad. No. 99, 2003
	rep. No. 159, 2008
s. 140E	ad. No. 99, 2003
	am. No. 159, 2008
ss. 140F, 140G	ad. No. 99, 2003
	am. No. 159, 2008
s. 140GA	ad. No. 159, 2008
s. 140GB	ad. No. 159, 2008
	am No 122, 2013
s 140GBA	ad No 122, 2013
s 140GBB	ad No 122, 2013
s 140GBC	ad No 122, 2013
	am No 126, 2015
s. 140GC	ad. No. 159, 2008
Subdivision C	
Subdivision C	rs. No. 159, 2008
s. 140H	ad. No. 99, 2003

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Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 159, 2008
	am. No. 85, 2009; No. 122, 2013
s. 140HA	ad. No. 122, 2013
s. 140I	ad. No. 99, 2003
	rep. No. 159, 2008
s. 140J	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 85, 2009
Subdivision D	
Subdivision D heading	ad. No. 159, 2008
s. 140K	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 10, 2013; No 122, 2013
s. 140L	ad. No. 99, 2003
	rs. No. 159, 2008
s. 140M	ad. No. 99, 2003
	rs. No. 159, 2008
ss. 140N–140P	ad. No. 99, 2003
	am. No. 159, 2008
s. 140Q	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 10, 2013
s. 140R	ad. No. 99, 2003
	rs. No. 159, 2008
	rep. No. 10, 2013
s. 140RA	ad. No. 122, 2013
	rs No 122, 2013
s. 140RB	ad. No. 122, 2013
	rep No 122, 2013
Subdivision E	
Subdivision E heading	ad. No. 159, 2008

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Provision affected	How affected
s. 140S	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 10, 2013
ss. 140SA–140SC	ad. No. 159, 2008
s. 140T	ad. No. 99, 2003
	am. No. 159, 2008
s. 140U	ad. No. 99, 2003
Subdivision F	
Subdivision F heading	rs. No. 122, 2013
Subdivision F	ad. No. 159, 2008
s. 140UA	ad. No. 122, 2013
s. 140V	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 122, 2013
s. 140W	ad. No. 99, 2003
	rs. No. 159, 2008
	am. No. 122, 2013
s. 140X	ad. No. 99, 2003
	rs. No. 159, 2008; No. 54, 2009
	am. No. 122, 2013; No 161, 2015
s. 140XA	ad. No. 54, 2009
s. 140XB	ad. No. 54, 2009
s. 140XC	ad. No. 54, 2009
	am. No. 122, 2013
s. 140XD	ad. No. 54, 2009
	am. No. 122, 2013; No 41, 2015
s. 140XE	ad. No. 54, 2009
	am. No. 10, 2013
s. 140XF	ad. No. 54, 2009
	am. No. 10, 2013
s. 140XG	ad. No. 54, 2009

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Endnote 4—Amendment history

Provision affected	How affected
	am No 31, 2014
s. 140XH	ad. No. 54, 2009
	am No 31, 2014
s. 140XI	ad. No. 54, 2009
s. 140XJ	ad. No. 54, 2009
	am No 41, 2015
ss. 140Y, 140Z	ad. No. 99, 2003
	rs. No. 159, 2008
	rep. No. 54, 2009
s. 140ZA	ad. No. 99, 2003
	rs. No. 159, 2008
	rep. No. 54, 2009
Subdivision G	
Subdivision G	ad. No. 159, 2008
ss. 140ZB–140ZG	ad. No. 99, 2003
	rs. No. 159, 2008
Subdivision H	
Subdivision H	ad. No. 159, 2008
s. 140ZH	ad. No. 99, 2003
	rs. No. 159, 2008
s. 140ZI	ad. No. 159, 2008
	am No 197, 2012
s. 140ZJ	ad. No. 159, 2008
s. 140ZK	ad. No. 159, 2008
Division 4	
Division 4	ad. No. 184, 1992
Subdivision A	
s. 141	rs. No. 184, 1992
	am. No. 60, 1994
s. 142	ad. No. 60, 1994
s. 143	rs. No. 184, 1992

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Provision affected	How affected
	am. No. 60, 1994; No. 146, 1999; No. 9, 2000; No. 5, 2011
s. 144	ad. No. 60, 1994
Subdivision B	
s. 145	rs. No. 184, 1992
	am. No. 19, 1995 (as am. by No. 43, 1996); No. 42, 2002; No. 85, 2009
s. 146	rs. No. 184, 1992
	am. No. 85, 2009
Subdivision C	
s. 147	rs. No. 184, 1992
	am. No. 19, 1995 (as am. by No. 43, 1996); No. 42, 2002; No. 85, 2009
s. 148	rs. No. 184, 1992
	am. No. 85, 2009
ss. 149, 150	rs. No. 184, 1992
s. 151	rs. No. 184, 1992
	am. No. 85, 2009
s. 152	rs. No. 184, 1992
s. 153	ad. No. 184, 1992
	am. No. 60, 1994; No. 157, 2001; No. 13, 2013
s. 154	ad. No. 60, 1994
Subdivision D	
ss. 155–158	ad. No. 184, 1992
s. 159	ad. No. 184, 1992
	am. No. 60, 1994
s. 160	ad. No. 184, 1992
	am. No. 113, 1998
s. 161	ad. No. 184, 1992
	am. No. 60, 1994
Subdivision E	
ss. 162–164	ad. No. 184, 1992
Division 4A	
Division 4A	ad. No. 160, 1999

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Endnote 4—Amendment history

Provision affected	How affected
s. 164A	ad. No. 160, 1999
	am. No. 103, 2005; No. 165, 2006; No 16, 2013
s. 164B	ad. No. 160, 1999
	am. No. 160, 1999; No. 103, 2005; No. 165, 2006; No. 36, 2008; No 16, 2013
s. 164BA	ad. No. 165, 2006
	am No 16, 2013
s. 164C	ad. No. 160, 1999
	am. No. 165, 2006
s. 164D	ad. No. 160, 1999
Division 5	
Division 5	ad. No. 184, 1992
s. 165	ad. No. 184, 1992
	am. No. 62, 2007
s. 166	ad. No. 184, 1992
	am. No. 60, 1994; No. 2, 2004
	rs. No. 62, 2007
	am No 116, 2014; No 115, 2015
s. 167	ad. No. 184, 1992
	am. No. 2, 2004; No. 62, 2007
s. 168	ad. No. 184, 1992
s. 169	ad. No. 184, 1992
	am. No. 60, 1994; No. 85, 2008
s. 170	ad. No. 184, 1992
	am. No. 2, 2004; No. 62, 2007; No 116, 2014; No 115, 2015
s. 171	ad. No. 184, 1992
	am. No. 62, 2007
s. 172	ad. No. 184, 1992
	am. No. 60, 1994; No. 2, 2004; No. 62, 2007; No. 85, 2008
s. 173	ad. No. 184, 1992
	am. No. 60, 1994; No. 73, 2007; No. 85, 2008

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Provision affected	How affected
s. 174	ad. No. 184, 1992
	am. No. 60, 1994
s. 175	ad. No. 184, 1992
	am. No. 2, 2004; No. 62, 2007; No 116, 2014; No 115, 2015
s. 175A	ad. No. 62, 2007
s 175B	ad No 116, 2014
Division 6	
Division 6 heading	rs. No. 60, 1994
Division 6	ad. No. 24, 1992
s. 176	ad. No. 24, 1992
	am. No. 184, 1992; No. 60, 1994
s. 177	ad. No. 24, 1992
	am. Nos. 184 and 235, 1992; No. 59, 1993; No. 60, 1994
s. 178	ad. No. 24, 1992
	am. Nos. 184 and 235, 1992; No. 59, 1993; No. 60, 1994; No. 113, 1998; No 60, 2015
ss. 179, 180	ad. No. 24, 1992
	am. No. 184, 1992; No. 60, 1994
s. 181	ad. No. 24, 1992
	am. No. 60, 1994
s. 182	ad. No. 24, 1992
	am. Nos. 184 and 235, 1992
s. 183	ad. No. 24, 1992
	am. No. 184, 1992
s. 184	ad. No. 235, 1992
	am. No. 184, 1992
	rep. No. 102, 1995
s. 185	ad. No. 24, 1992
	am. No. 235, 1992; No. 102, 1995
ss. 186, 187	ad. No. 24, 1992
Division 7	

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Endnote 4—Amendment history

Provision affected	How affected
Division 7	ad. No. 184, 1992
Subdivision A	
Subdivision A heading	ad. No. 79, 2005
s. 188	ad. No. 184, 1992
	am. No. 2, 2004; No. 62, 2007; No 115, 2015
s. 189	ad. No. 184, 1992
	am. No. 60, 1994; No. 128, 2001; No. 79, 2005; No. 113, 2012; No. 35, 2013
s. 190	ad. No. 184, 1992
	am. No. 60, 1994; No. 2, 2004; No. 62, 2007; No 115, 2015
s 191	ad. No. 184, 1992
	am. No. 60, 1994; No. 2, 2004; No. 62, 2007; No 129, 2014; No 10, 2017
s 192	ad. No. 184, 1992
	am. No. 60, 1994; No. 140, 1995; No. 114, 1998; No. 2, 2004; No. 46, 2006; No. 144, 2008; No 129, 2014; No 115, 2015; No 10, 2017
s. 192A	ad. No. 2, 2004
	rep No 115, 2015
s 193	ad. No. 184, 1992
	rs. No. 60, 1994
	am. No. 114, 1998; Nos. 89 and 160, 1999; No. 128, 2001; No. 141, 2005; No. 25, 2006 (as am. by No. 141, 2005); No. 85, 2008; No. 70, 2009; No. 113, 2012; No 10, 2017
s. 194	ad. No. 184, 1992
	rs. No. 168, 2000
s. 195	ad. No. 184, 1992
	am. No. 60, 1994
s. 195A	ad. No. 79, 2005
s 196	ad. No. 184, 1992
	am. No. 60, 1994; No. 90, 2003; No. 113, 2012; No 10, 2017
s. 197	ad. No. 184, 1992
Subdivision B	
Subdivision B	ad. No. 79, 2005

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Provision affected	How affected
ss. 197AA–197AG	ad. No. 79, 2005
Division 7A	
Division 7A	ad. No. 85, 2001
s. 197A	ad. No. 85, 2001
s. 197B	ad. No. 85, 2001
	am. No. 81, 2011; No 4, 2016
Division 8	
Division 8 heading	rs. No. 113, 2012
Division 8	ad. No. 184, 1992
Subdivision A	
Subdivision A heading	ad. No. 113, 2012
s. 197C	ad. No. 85, 2001
	rep. No. 85, 2001
	ad No 135, 2014
s 198	ad. No. 184, 1992
	am. Nos. 60 and 136, 1994; No. 1, 1995; No. 114, 1998; Nos. 34, 89 and 160, 1999; No. 168, 2000; No. 10, 2002; No. 113, 2012; No. 35, 2013; No 106, 2014; No 135, 2014; No 10, 2017
s. 198A	ad. No. 128, 2001
	rep. No. 113, 2012
Subdivision B	
Subdivision B	ad. No. 113, 2012
s. 198AA	ad. No. 113, 2012
	am. No. 35, 2013
s. 198AB	ad. No. 113, 2012
	am No 126, 2015
s. 198AC	ad. No. 113, 2012
s. 198AD	ad. No. 113, 2012
	am. No. 35, 2013; No 135, 2014
s. 198AE	ad. No. 113, 2012
	am. No. 35, 2013

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Endnote 4—Amendment history

Provision affected	How affected
s. 198AF	ad. No. 113, 2012
	am. No. 35, 2013
s. 198AG	ad. No. 113, 2012
	am. No. 35, 2013
s. 198AH	ad. No. 113, 2012
	am. No. 35, 2013, No 135, 2014
s 198AHA	ad No 104, 2015
s. 198AI	ad. No. 35, 2013
s. 198AJ	ad. No. 35, 2013
Subdivision C	
Subdivision C heading	ad. No. 113, 2012
s. 198B	ad. No. 10, 2002
s. 198C	ad. No. 10, 2002
	rep. No. 35, 2013
s. 198D	ad. No. 10, 2002
	am. No. 113, 2012
	rep. No. 35, 2013
s. 199	ad. No. 184, 1992
	am. No. 144, 2008; No. 113, 2012
Division 9	
s. 200	ad. No. 184, 1992
s. 201	rs. No. 112, 1983
	am. No. 184, 1992; No. 60, 1994
s. 202	rep. No. 112, 1983
	ad. No. 102, 1986
	am. No. 184, 1992; No. 60, 1994; No. 175, 1995; No. 161, 1999; No. 144, 2005
s. 203	am. No. 112, 1983; No. 102, 1986; No. 59, 1989; No. 86, 1991; No. 184, 1992; No. 97, 2001; No. 65, 2002; No. 144, 2005
s. 204	ad. No. 112, 1983
	am. No. 102, 1986; No. 59, 1989; No. 184, 1992; No. 60, 1994

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Provision affected	How affected
s. 205	am. No. 117, 1979
	rs. No. 59, 1989 (as am. by No. 159, 1989)
	am. No. 184, 1992; No. 144, 2008
s. 206	am. No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); No. 86, 1991; No. 184, 1992
Division 10	
Division 10 heading	ad. No. 184, 1992 rs. No. 85, 2009
s. 207	rs. No. 184, 1992
	am. No. 85, 2009
s. 208	rs. No. 184, 1992
	rep. No. 85, 2009
s. 209	rs. No. 184, 1992
	am. No. 60, 1994
	rep. No. 85, 2009
s. 210	ad. No. 184, 1992
	am. No. 60, 1994
	rep. No. 85, 2009
s. 211	ad. No. 184, 1992
	am. No. 144, 2008
	rep. No. 85, 2009
s. 212	ad. No. 184, 1992
	am. No. 144, 2008
s 213	ad. No. 184, 1992
	am. No. 85, 2009; No 41, 2015
s 214	ad No 184, 1992
	am No 85, 2009
s 215	ad. No. 184, 1992
s 216	ad No 184, 1992
	am No 41, 2015
s. 217	ad. No. 60, 1994

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 97, 2001; No 41, 2015
s. 218	ad. No. 184, 1992
	am. No. 60, 1994; No. 97, 2001; No 41, 2015
s. 219	ad. No. 184, 1992
	am. No. 97, 2001; No 41, 2015
ss. 220, 221	ad. No. 184, 1992
s. 222	ad. No. 59, 1989
	am. No. 24, 1992; No. 184, 1992 (as am. by No. 43, 1996); No. 100, 1995; No. 97, 2001; No. 85, 2009; No 41, 2015
s. 223	ad. No. 59, 1989
	am. Nos. 24 and 184, 1992; No. 97, 2001; No. 85, 2009; No 41, 2015; No 61, 2016
s. 224	ad. No. 59, 1989
	am. No. 86, 1991; Nos. 24 and 184, 1992; No. 85, 2009; No 41, 2015
Division 11	
s. 225	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989; No. 24, 1992
	rs. No. 220, 1992
	am. No. 97, 2001; No 61, 2016
s. 226	ad. No. 51, 1982
	am. No. 104, 1987; No. 59, 1989; No. 24, 1992
	rs. No. 220, 1992
	am. No. 97, 2001; No 61, 2016
s. 227	ad. No. 104, 1987
	am. No. 59, 1989; No. 24, 1992
	rs. No. 220, 1992
	am. No. 97, 2001; No 61, 2016
s. 228	rs. No. 10, 1966
	am. No. 117, 1979; No. 59, 1989; Nos. 24 and 220, 1992; No. 97, 2001; No 61, 2016
Division 12	
Division 12 heading	rs. No. 117, 1979; No. 10, 2013

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Provision affected	How affected
Subdivision A	
Subdivision A heading	ad. No. 196, 1991
	rs. No. 50, 2010
s. 228A	ad. No. 160, 1999
s 228B	ad No 135, 2011; No 135, 2014
s. 229	ad. No. 59, 1989
	am. No. 86, 1991; No. 184, 1992; No. 60, 1994; No. 160, 1999; No. 97, 2001; No. 73, 2007; No. 85, 2008; No 4, 2016; No 61, 2016
s. 230	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; Nos. 22 and 123, 1984; No. 59, 1989; Nos. 24 and 184, 1992; No 61, 2016
	rs. No. 184, 1992
	am. No. 160, 1999; No. 97, 2001; No 4, 2016
s. 231	ad. No. 184, 1992
s. 232	am. No. 10, 1966; No. 112, 1983; No. 59, 1989; Nos. 24 and 184, 1992; No. 60, 1994; No. 160, 1999; No. 97, 2001; No. 85, 2008; No 4, 2016
s. 232A	ad. No. 89, 1999
	am. No. 160, 1999; No. 126, 2001; No. 85, 2008
	rep. No. 50, 2010
s. 233	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 123, 1984; No. 59, 1989; Nos. 24 and 184, 1992; No. 89, 1999; No. 97, 2001; No. 85, 2008
	rep. No. 50, 2010
s. 233A	ad. No. 89, 1999
	am No. 126, 2001
	rs. No. 50, 2010
s. 233B	ad. No. 126, 2001
	rs. No. 50, 2010
	am. No. 6, 2013
s. 233C	ad. No. 126, 2001
	am. No. 41, 2003
	rs. No. 50, 2010
ss. 233D, 233E	ad. No. 50, 2010

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Endnote 4—Amendment history

Provision affected	How affected
s. 234	am. No. 10, 1966; Nos. 117 and 118, 1979; No. 175, 1980; No. 112, 1983; No. 59, 1989; Nos. 24 and 184, 1992; No. 60, 1994; No. 89, 1999; No. 50, 2010
s. 234A	ad. No. 50, 2010
s. 235	ad. No. 117, 1979
	am. No. 112, 1983; No. 86, 1987; No. 59, 1989 (as am. by No. 159, 1989); Nos. 24 and 184, 1992; No. 113, 1998; No. 97, 2001; No. 7, 2007; No 61, 2016
s. 236	ad. No. 213, 1992
	am. No. 89, 1999
	rs. No. 97, 2001
	am No 4, 2016
s. 236A	ad. No. 50, 2010
	rs. No. 74, 2013
s. 236B	ad. No. 50, 2010
s. 236C	ad. No. 74, 2013
s. 236D	ad. No. 74, 2013
s. 236E	ad. No. 74, 2013
	am No 74, 2013
s. 236F	ad. No. 74, 2013
Subdivision B	
Subdivision B	ad. No. 196, 1991 (as am. by No. 175, 1992)
ss. 237, 238	ad. No. 196, 1991
	am. No. 184, 1992; No. 144, 2008
s. 239	ad. No. 196, 1991
s. 240	ad. No. 196, 1991
	am. No. 184, 1992; No. 97, 2001; No 61, 2016
s. 241	ad. No. 196, 1991
	am. No. 184, 1992; No. 97, 2001; No. 144, 2008; No 61, 2016
s. 242	ad. No. 196, 1991
	am. No. 184, 1992; No. 97, 2001
	rep. No. 144, 2008

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Provision affected	How affected
s. 243	ad. No. 196, 1991
	am. No. 184, 1992; No. 144, 2008
s. 244	ad. No. 196, 1991
	am. No. 184, 1992
	rep. No. 144, 2008
s. 245	ad. No. 196, 1991
	am. No. 97, 2001; No. 144, 2008; No 61, 2016
Subdivision C	
Subdivision C heading	rs. No. 10, 2013
Subdivision C	ad. No. 7, 2007
s. 245AA	ad. No. 7, 2007
	am. Nos. 6 and 10, 2013
s. 245AB	ad. No. 7, 2007
	rs. No. 10, 2013
s. 245AC	ad. No. 7, 2007
	rs. No. 10, 2013
s. 245AD	ad. No. 7, 2007
	rs. No. 10, 2013
s. 245AE	ad. No. 7, 2007
	rs. No. 10, 2013
s. 245AEA	ad. No. 10, 2013
s. 245AEB	ad. No. 10, 2013
s. 245AF	ad. No. 7, 2007
s. 245AG	ad. No. 7, 2007
	am. Nos. 6 and 10, 2013
s. 245AH	ad. No. 7, 2007
	rs. No. 6, 2013
s. 245AI	ad. No. 7, 2007
	rep. No. 6, 2013
s. 245AJ	ad. No. 7, 2007
	rs. No. 10, 2013

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Endnote 4—Amendment history

Provision affected	How affected
s. 245AK	ad. No. 7, 2007
	rs. No. 10, 2013
s. 245AL	ad. No. 10, 2013
s. 245AM	ad. No. 10, 2013
s. 245AN	ad. No. 10, 2013
s. 245AO	ad. No. 10, 2013
s. 245AP	ad. No. 10, 2013
Subdivision D	
Subdivision D	ad No 161, 2015
s 245AQ	ad No 161, 2015
s 245AR	ad No 161, 2015
s 245AS	ad No 161, 2015
s 245AT	ad No 161, 2015
s 245AU	ad No 161, 2015
s 245AV	ad No 161, 2015
s 245AW	ad No 161, 2015
s 245AX	ad No 161, 2015
s 245AY	ad No 161, 2015
Division 12A	
Division 12A heading	rs No 16, 2013
Division 12A	ad. No. 160, 1999
s. 245A	ad. No. 160, 1999
	am. No. 46, 2011; No 16, 2013
s. 245B	ad. No. 160, 1999
	am. Nos. 97 and 126, 2001; No. 25, 2004
	rep No 16, 2013
s. 245C	ad. No. 160, 1999
	rep No 16, 2013
s. 245D	ad. No. 160, 1999
	rep No 16, 2013
s. 245E	ad. No. 160, 1999

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Provision affected	How affected
	am. No. 97, 2001
s. 245F	ad. No. 160, 1999
	am. Nos. 97 and 126, 2001; No. 25, 2004; No 16, 2013
s. 245FA	ad. No. 126, 2001
	am No 16, 2013
s. 245FB	ad. No. 126, 2001
	rep No 16, 2013
s. 245G	ad. No. 160, 1999
	rep No 16, 2013
s. 245H	ad. No. 160, 1999
	am. No. 126, 2001
	rep No 16, 2013
Division 12B	
Division 12B	ad. No. 64, 2002
s. 245I	ad. No. 64, 2002
	am No 116, 2014
s. 245J	ad. No. 64, 2002
	am. No. 141, 2005; No. 85, 2008; No 116, 2014
s. 245K	ad. No. 64, 2002
	am. No. 141, 2005; No. 85, 2008; No 116, 2014
s. 245L	ad. No. 64, 2002
	am. No. 85 and 159, 2008; No. 33, 2009; No 116, 2014
s 245LA	ad No 116, 2014
s 245LB	ad No 116, 2014
	am No 41, 2015
s. 245M	ad. No. 64, 2002
	am No 116, 2014
s. 245N	ad. No. 64, 2002
	am. No. 85, 2008; No 116, 2014
Division 13	
Division 13 heading	rs No 115, 2015

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Endnote 4—Amendment history

Provision affected	How affected
s. 247	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989; No. 24, 1992; No. 60, 1994; No. 97, 2001; No 41, 2015
s. 248	am. No. 112, 1983; No. 59, 1989
s. 249	am. No. 112, 1983; No. 59, 1989; No. 184, 1992; No. 102, 1995; No. 160, 1999
s. 250	am. No. 117, 1979; No. 51, 1982; No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); No. 86, 1991; No. 102, 1995
	rs. No. 184, 1992
	am. No. 60, 1994
s. 251	am. No. 10, 1966; No. 117, 1979; No. 51, 1982; No. 112, 1983; No. 104, 1987; No. 59, 1989; Nos. 24 and 184, 1992; No. 59, 1993; No. 160, 1999; No. 97, 2001; No 16, 2013; No 41, 2015; No 61, 2016
s. 252	ad. No. 59, 1989
	am. No. 184, 1992; No. 60, 1994; No. 160, 1999; No. 105, 2001; No 16, 2013
s. 252AA	ad. No. 105, 2001
s. 252A	ad. No. 105, 2001
	am No 31, 2014; No 41, 2015
s. 252B	ad. No. 105, 2001
s. 252C	ad. No. 105, 2001
s. 252D	ad. No. 105, 2001
s. 252E	ad. No. 105, 2001
s. 252F	ad. No. 105, 2001
s. 252G	ad. No. 85, 2001
s. 253	am. No. 117, 1979; No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); Nos. 24 and 184, 1992; No. 113, 1998; No 41, 2015
s. 254	ad. No. 59, 1989
	am. No. 24, 1992; No. 60, 1994; No. 28, 2000; No 41, 2015
s. 255	am. No. 112, 1983; No. 59, 1989; No. 60, 1994
s. 256	am. No. 59, 1989; No. 184, 1992; No. 89, 1999
s. 257	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989; Nos. 24 and 184, 1992; No. 97, 2001

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Provision affected	How affected
s 257A	ad No 115, 2015
s. 258	am. No. 59, 1989; No. 184, 1992
	rs. No. 2, 2004
	am. No. 141, 2005; No 116, 2014
	rs No 115, 2015
s. 258A	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
s. 258B	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
s. 258C	ad. No. 2, 2004
	am. No. 62, 2007; No 116, 2014
	rep No 115, 2015
s 258D	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
s. 258E	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
s. 258F	ad. No. 2, 2004
	rs No 115, 2015
s. 258G	ad. No. 2, 2004
s. 259	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989; No. 24, 1992; No. 184, 1992 (as am. by No. 43, 1996); No. 97, 2001; No 41, 2015; No 61, 2016
s. 260	am. No. 112, 1983; No. 59, 1989; No. 60, 1994; No. 85, 1995; No. 160, 1999; No 41, 2015
s. 261	ad. No. 184, 1992
	am. No. 160, 1999; No 41, 2015
Division 13AA	
Division 13AA	ad. No. 2, 2004
Subdivision A	
s 261AA	ad No 2, 2004
	am No 115, 2015

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Endnote 4—Amendment history

Provision affected	How affected
s 261AB	ad No 2, 2004
	am No 115, 2015
s 261AC	ad No 2, 2004
Subdivision B	
s. 261AD	ad. No. 2, 2004
s. 261AE	ad. No. 2, 2004
	am No 41, 2015
s. 261AF	ad. No. 2, 2004
s. 261AG	ad. No. 2, 2004
s. 261AH	ad. No. 2, 2004
s. 261AI	ad. No. 2, 2004
s. 261AJ	ad. No. 2, 2004
s. 261AK	ad. No. 2, 2004
	am No 31, 2014; No 41, 2015
Subdivision C	
s 261AKA	ad. No. 2, 2004
s 261AKB	ad. No. 2, 2004
s 261AKC	ad. No. 2, 2004
	am No 41, 2015
s. 261AKD	ad. No. 2, 2004
	am. No. 51, 2010; No 60, 2015
ss. 261AKE–261AKH	ad. No. 2, 2004
Division 13AB	
Division 13AB	ad. No. 2, 2004
s. 261AL	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
s. 261AM	ad. No. 2, 2004
	am No 116, 2014; No 115, 2015
Division 13A	
Division 13A	ad. No. 160, 1999
Subdivision A	

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Provision affected	How affected
s. 261A	ad. No. 160, 1999
Subdivision B	
s. 261B	ad. No. 160, 1999
Subdivision C	
s 261C	ad. No. 160, 1999
s 261D	ad. No. 160, 1999
	am No 41, 2015
s 261E	ad. No. 160, 1999
	am No 41, 2015
s 261F	ad. No. 160, 1999
	am No 41, 2015
s 261G	ad. No. 160, 1999
	am No 41, 2015
s 261H	ad. No. 160, 1999
	am No 41, 2015
s 261I	ad. No. 160, 1999
Subdivision D	
s. 261J	ad. No. 160, 1999
	am No 16, 2013
Subdivision E	
s. 261K	ad. No. 160, 1999
Division 14	
Division 14	ad. No. 84, 1992
s. 262	ad. No. 84, 1992
	am. No. 184, 1992; No. 160, 1999; No. 85, 2009; No 106, 2014
s 263	ad. No. 84, 1992
	am No 41, 2015
s 264	ad. No. 84, 1992
	am No 41, 2015
s 265	ad. No. 84, 1992
s 266	ad. No. 84, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am No 41, 2015
s 267	ad. No. 84, 1992
	am No 41, 2015; No 67, 2016
s 268	ad. No. 84, 1992
Division 14A	
Division 14A	ad. No. 168, 2000
Subdivision A	
s. 268AA	ad. No. 168, 2000
	am. No. 73, 2008
s. 268AB	ad. No. 168, 2000
s. 268AC	ad. No. 168, 2000
	rep. No. 97, 2001
s. 268AD	ad. No. 168, 2000
Subdivision B	
s 268BA	ad. No. 168, 2000
	am No 41, 2015
s 268BB	ad. No. 168, 2000
s 268BC	ad. No. 168, 2000
	am No 41, 2015
s 268BD	ad. No. 168, 2000
	am No 41, 2015
s 268BE	ad. No. 168, 2000
s. 268BH	ad. No. 168, 2000
	am. No. 97, 2001; No 4, 2016; No 61, 2016
s. 268BI	ad. No. 168, 2000
	am No. 97, 2001; No 4, 2016; No 61, 2016
s. 268BJ	ad. No. 168, 2000
	am. No. 85, 2008; No. 97, 2001; No 4, 2016; No 61, 2016
s 268BK	ad. No. 168, 2000
s 268BL	ad. No. 168, 2000
s 268BM	ad. No. 168, 2000

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Provision affected	How affected
s 268BN	ad. No. 168, 2000
	am No 41, 2015
s 268BO	ad. No. 168, 2000
s. 268BP	ad. No. 168, 2000
	am. No. 58, 2001
s. 268BQ	ad. No. 168, 2000
Subdivision C	
s 268CA	ad No 168, 2000
s 268CB	ad No 168, 2000
s 268CC	ad No 168, 2000
s 268CD	ad No 168, 2000
s 268CE	ad No 168, 2000
s 268CF	ad No 168, 2000
s 268CG	ad No 168, 2000
s 268CH	ad No 168, 2000
s 268CI	ad No 168, 2000
s 268CJ	ad No 168, 2000
	am No 4, 2016
s 268CK	ad No 168, 2000
	am No 4, 2016
s. 268CL	ad. No. 168, 2000
	am. No. 97, 2001; No 4, 2016; No 61, 2016
s. 268CM	ad. No. 168, 2000
	am. No. 85, 2008; No. 97, 2001; No 4, 2016; No 61, 2016
s. 268CN	ad. No. 168, 2000
	am. No. 85, 2008; No. 97, 2001; No 4, 2016; No 61, 2016
ss. 268CO–268CU	ad. No. 168, 2000
s. 268CV	ad. No. 168, 2000
	am No. 97, 2001; No 4, 2016; No 61, 2016
ss. 268CW–268CZ	ad. No. 168, 2000
s. 268CZA	ad. No. 168, 2000

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 97, 2001; No 41, 2015; No 4, 2016; No 61, 2016
ss. 268CZB–268CZH	ad. No. 168, 2000
Division 15	
s. 269	am. No. 85, 2008
s. 270	ad. No. 10, 1966
	am No 61, 2016
s. 271	am. No. 87, 1964; No. 10, 1966; No. 175, 1980; No. 168, 1986; No. 133, 1987; No. 151, 1988; No. 59, 1989 (as am. by No. 159, 1989); Nos. 184 and 220, 1992; No. 60, 1994; No. 113, 1998; No. 160, 1999; No. 58, 2001; No. 10, 2013; No 60, 2015; No 61, 2016
	ed C133
s. 272	am. No. 112, 1983
s. 273	ad. No. 59, 1989
	am. No. 184, 1992
s. 274	ad. No. 59, 1989
	am. No. 184, 1992; No. 60, 1994; No 41, 2015
Part 3	
Part 3	ad. No. 85, 1992
Division 1	
s. 275	ad. No. 85, 1992
	am. No. 184, 1992; No. 60, 1994; No. 205, 1997; No. 113, 1998; No. 146, 1999; No. 168, 2000; No. 48, 2004; No. 159, 2008; No 135, 2014; No 60, 2015
s. 276	ad. No. 85, 1992
	am. No. 60, 1994; No. 205, 1997; No. 35, 2002; No. 48, 2004; No. 79, 2005; No 60, 2015
s. 277	ad. No. 85, 1992
	am. No. 60, 1994; No. 205, 1997; No. 48, 2004; No. 79, 2005; No 60, 2015
s. 278	ad. No. 85, 1992
	am. No. 48, 2004
s. 279	ad. No. 85, 1992

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Provision affected	How affected
	am. No. 205, 1997
s. 279A	ad. No. 205, 1997
	rep. No. 97, 2001
Division 2	
s. 280	ad. No. 85, 1992
	am. Nos. 150 and 205, 1997; No. 97, 2001; No. 48, 2004
s. 281	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004; No. 205, 1997; No. 97, 2001
s. 282	ad. No. 85, 1992
	am. No. 60, 1994; No. 205, 1997; No. 97, 2001; No. 35, 2002; No. 48, 2004; No. 79, 2005; No 60, 2015
s. 283	ad. No. 85, 1992
	am. No. 205, 1997; No. 97, 2001; No. 48, 2004
s. 284	ad. No. 85, 1992
	am. No. 205, 1997; No. 97, 2001; No. 48, 2004
s. 285	ad. No. 85, 1992
	am. No. 205, 1997; No. 97, 2001; No. 48, 2004
Division 3	
s. 286	ad. No. 85, 1992
s. 287	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004
s. 288	ad. No. 85, 1992
	am. No. 205, 1997
	rs. No. 48, 2004
ss. 288A, 288B	ad. No. 48, 2004
s. 289	ad. No. 85, 1992
	am. No. 110, 1995
	rs. No. 205, 1997
	am. No. 205, 1997; No. 35, 2002; No. 48, 2004
s. 289A	ad. No. 48, 2004
s. 290	ad. No. 85, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 205, 1997
	am. No. 48, 2004
s. 290A	ad. No. 205, 1997
	am. No. 48, 2004
s. 290B	ad. No. 48, 2004
s. 291	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 48, 2004
s. 291A	ad. No. 48, 2004
s. 292	ad. No. 85, 1992
	rs. No. 205, 1997; No. 48, 2004
s. 292A	ad. No. 35, 2002
	am. No. 48, 2004
s. 292B	ad. No. 48, 2004
s. 293	ad. No. 85, 1992
	rs. No. 205, 1997
s. 294	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 48, 2004
s. 295	ad. No. 85, 1992
	rs. No. 205, 1997
ss. 296–298	ad. No. 85, 1992
	rep. No. 205, 1997
s. 299	ad. No. 85, 1992
	am. No. 205, 1997; No. 35, 2002; No. 48, 2004
s. 300	ad. No. 85, 1992
	am. No. 205, 1997
	rep. No. 205, 1997
	ad. No. 35, 2002
	rs. No. 48, 2004
s. 301	ad. No. 85, 1992

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Provision affected	How affected
	am. No. 110, 1995; No. 205, 1997
	rs. No. 205, 1997
	am. No. 48, 2004
s. 302	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004
s. 303	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004
s. 304	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004
s. 304A	ad. No. 48, 2004
s. 305	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 175, 1999
	rs. No. 48, 2004
s. 305A	ad. No. 175, 1999
	rs. No. 48, 2004
ss. 305B, 305C	ad. No. 48, 2004
s. 306	ad. No. 85, 1992
	am. No. 205, 1997
s. 306AA	ad. No. 48, 2004
Division 3AA	
Division 3AA	ad. No. 48, 2004
Subdivision A	
s. 306AB	ad. No. 48, 2004
Subdivision B	
s. 306AC	ad. No. 48, 2004
s. 306AD	ad. No. 48, 2004
	am. No. 141, 2005
ss. 306AE–306AG	ad. No. 48, 2004
ss. 306AGAA–306AGAC	ad. No. 48, 2004
s. 306AGA	ad. No. 48, 2004

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision D	
ss. 306AJ, 306AK	ad. No. 48, 2004
Subdivision E	
ss. 306AL, 306AM	ad. No. 48, 2004
Division 3A	
Division 3A heading	rs. No. 48, 2004
Division 3A	ad. No. 175, 1999
s. 306A	ad. No. 175, 1999
	am. No. 48, 2004
s. 306B	ad. No. 175, 1999
	am. No. 48, 2004
s. 306C	ad. No. 175, 1999
	rs. No. 48, 2004
s. 306D	ad. No. 175, 1999
	am. No. 48, 2004
s. 306E	ad. No. 175, 1999
	am. No. 48, 2004
s. 306F	ad. No. 175, 1999
	am. No. 48, 2004
s. 306G	ad. No. 175, 1999
s. 306H	ad. No. 175, 1999
	am. No. 97, 2001; No. 48, 2004; No 4, 2016
s. 306J	ad. No. 175, 1999
	rs. No. 48, 2004
s. 306K	ad. No. 175, 1999
	am. No. 48, 2004
s. 306L	ad. No. 175, 1999
Division 4	
Division 4 heading	rs. No. 205, 1997
s. 307	ad. No. 85, 1992
	rep. No. 205, 1997

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Provision affected	How affected
s. 308	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 137, 2000; No. 48, 2004
s. 309	ad. No. 85, 1992
	am. No. 205, 1997; No. 48, 2004
s. 310	ad. No. 85, 1992
	am. No. 205, 1997
s. 311	ad. No. 85, 1992
	am. No. 205, 1997
Division 4A	
Division 4A heading	rs. No. 48, 2004
Division 4A	ad. No. 35, 2002
Subdivision A	
Subdivision A heading	ad. No. 48, 2004
s. 311A	ad. No. 35, 2002
	am. No. 48, 2004
ss. 311B, 311C	ad. No. 35, 2002
	rs. No. 48, 2004
s. 311D	ad. No. 35, 2002
	am. No. 48, 2004
s. 311E	ad. No. 35, 2002
s. 311EA	ad. No. 48, 2004
s. 311F	ad. No. 35, 2002
Subdivision B	
Subdivision B	ad. No. 48, 2004
ss. 311G, 311H	ad. No. 48, 2004
ss. 311J–311M	ad. No. 48, 2004
s. 311P	ad. No. 48, 2004
Division 5	
Division 5 heading	rs. No. 48, 2004
s. 312	ad. No. 85, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 205, 1997; No. 97, 2001; No. 48, 2004; No. 8, 2007
ss. 312A, 312B	ad. No. 48, 2004
s. 313	ad. No. 85, 1992
	am. No. 60, 1994; No. 205, 1997; No. 48, 2004
s. 314	ad. No. 85, 1992
	am. No. 48, 2004
Division 6	
Division 6 heading	rs. No. 205, 1997
s. 315	ad. No. 85, 1992
	rs. No. 205, 1997
s. 316	ad. No. 85, 1992
	am. No. 205, 1997; No. 175, 1999; No. 35, 2002; No. 48, 2004
s. 317	ad. No. 85, 1992
	rs. No. 205, 1997
s. 318	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 35, 2002; No. 48, 2004
s. 319	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 35, 2002; No. 48, 2004
s. 319A	ad. No. 48, 2004
s. 320	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 205, 1997 (as am. by No. 146, 1999); No. 48, 2004; No. 159, 2008
s. 321	ad. No. 85, 1992
	rs. No. 205, 1997
	am. No. 159, 2008
s. 321A	ad. No. 48, 2004
	am. No. 159, 2008
s. 322	ad. No. 85, 1992

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Provision affected	How affected
	rs. No. 205, 1997
ss. 323–332	ad. No. 85, 1992
	rep. No. 205, 1997
Division 6A	
Division 6A heading	rs. No. 205, 1997; No. 48, 2004
Division 6A	ad. No. 205, 1997
s. 332A	ad. No. 205, 1997
	am. No. 205, 1997
	rs. No. 48, 2004
	am. No. 141, 2005
s. 332B	ad. No. 205, 1997
	am. No. 205, 1997; No. 48, 2004
Division 7	
Division 7 heading	am. No. 100, 1995 rs. No. 25, 1996; Nos. 92 and 205, 1997; No. 175, 1999
	rep. No. 3, 2003
	ad. No. 48, 2004
Division 7	rep. No. 3, 2003
	ad. No. 48, 2004
ss. 332C–332E	ad. No. 48, 2004
ss. 332F, 332G	ad. No. 48, 2004
	am. No. 159, 2008
s. 332H	ad. No. 48, 2004
	am No 31, 2014
s. 333	am. No. 100, 1995; No. 25, 1996; Nos. 92 and 205, 1997; No. 175, 1999
	rep. No. 3, 2003
Part 4	
Part 4	ad. No. 85, 1992
s. 334	ad. No. 85, 1992
	rs. No. 97, 2001
	am No 4, 2016

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Endnote 4—Amendment history

Provision affected	How affected
s 335	ad. No. 85, 1992
s 336	ad. No. 85, 1992
Part 4A	
Part 4A	ad. No. 2, 2004
Division 1	
s. 336A	ad. No. 2, 2004
	am. No. 63, 2007; No. 69, 2009
s. 336B	ad. No. 2, 2004
Division 2	
s. 336C	ad. No. 2, 2004
	am. No. 63, 2007
s. 336D	ad. No. 2, 2004
	am. No. 63, 2007; No 116, 2014; No 41, 2015
Division 3	
s. 336E	ad. No. 2, 2004
	am. No. 141, 2005; No. 63, 2007; No. 51, 2010; Nos. 7 and 113, 2012; No 116, 2014; No 60, 2015; No 67, 2016
s. 336F	ad. No. 2, 2004
	am. No. 121, 2011; No. 113, 2012; No. 35, 2013; No 135, 2014; No 41, 2015
s. 336FA	ad. No. 141, 2005
	am. No. 69, 2009
s. 336FB	ad. No. 141, 2005
	am. No. 159, 2008; No. 69, 2009
s. 336FC	ad. No. 141, 2005
	am. No. 159, 2008; No 41, 2015
s. 336FD	ad. No. 141, 2005
	am. No. 159, 2008; No 197, 2012
Division 4	
ss. 336G, 336H	ad. No. 2, 2004
s. 336J	ad. No. 2, 2004

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Provision affected	How affected
Division 5	
ss. 336K, 336L	ad. No. 2, 2004
Part 5	
Part 5 heading	rs No 60, 2015
Part 5	ad. No. 59, 1989
Division 1	
Division 1	ad No 184, 1992
s 336M	ad No 60, 2015
	am No 60, 2015
s 336N	ad No 60, 2015
s 337	rs No 184, 1992
	am No 60, 1994; No 110, 1995; No 113, 1998; No 34, 1999; No 85, 2008; No 35, 2015; No 60, 2015
Division 2	
Division 2 heading	rs No 60, 2015
Division 2	ad No 184, 1992
	rs No 113, 1998
s. 338	ad. No. 184, 1992
	am. No. 60, 1994
	rs. No. 113, 1998
	am. No. 34, 1999; Nos. 28 and 168, 2000; No. 99, 2003; No. 144, 2008; No 129, 2014; No 135, 2014; No 60, 2015
s. 339	ad. No. 184, 1992
	am. No. 60, 1994
	rs. No. 113 and 114, 1998
	am No 60, 2015
ss. 340, 341	ad. No. 184, 1992
	rep. No. 113, 1998
s. 342	ad. No. 60, 1994
	rep. No. 113, 1998
ss. 343, 344	ad. No. 184, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 60, 1994
	rep. No. 113, 1998
s. 345	ad. No. 184, 1992
	rep. No. 113, 1998
Division 3	
Division 3 heading	rs. No. 113, 1998; No 60, 2015
Division 3	ad. No. 184, 1992
s. 346	rs. No. 184, 1992
	am. No. 60, 1994
	rep. No. 113, 1998
s. 347	rs. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998; Nos. 28 and 168, 2000; No. 144, 2008; No 60, 2015
s. 348	rs. No. 184, 1992
	am. No. 113, 1998; No 60, 2015
s 349	rs No 184, 1992
	am No 113, 1998; No 35, 2015; No 60, 2015
s. 350	rs. No. 184, 1992
	am. No. 60, 1994
s. 351	rs. No. 184, 1992
s. 352	ad. No. 59, 1989
	rs. No. 184, 1992
	am. No. 60, 1994; No. 113, 1998; No 60, 2015
Division 4	
Division 4 heading	rs No 60, 2015
s. 353	ad. No. 59, 1989
	am No 60, 2015
s 353A	ad No 110, 1995
	am No 113, 1998; No 35, 2015
	rep No 60, 2015
s 353B	ad No 35, 2015

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Provision affected	How affected
	am No 60, 2015
s. 354	ad. No. 59, 1989
	am. No. 85, 2008
	rep No 60, 2015
s. 355	ad. No. 59, 1989
	am No. 113, 1998; No 30, 2014
	rep No 60, 2015
s. 355A	ad. No. 113, 1998
	am No 30, 2014
	rep No 60, 2015
s. 356	ad. No. 59, 1989
	rep No 60, 2015
s. 357	ad. No. 59, 1989
	am. No. 85, 2008
	rep No 60, 2015
Division 5	
Division 5 heading	rs No 60, 2015
s. 357A	ad. No. 60, 2002
	am. No. 100, 2007
s. 358	ad. No. 59, 1989
	am. No. 110, 1995
s 359	ad No 59, 1989
	rs No 113, 1998
	am No 58, 2001; No 10, 2009
s 359AA	ad No 100, 2007
	am No 35, 2015
s 359A	ad No 113, 1998
	am No.58, 2001; No 100, 2007; No 35, 2015
s 359B	ad No 113, 1998
	am No 100, 2007; No 10, 2009
s 359C	ad No 113, 1998

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Endnote 4—Amendment history

Provision affected	How affected
	am No 100, 2007; No 10, 2009
s. 360	ad. No. 59, 1989
	am. No. 110, 1995
	rs. No. 113, 1998
s. 360A	ad. No. 113, 1998
	am. No. 58, 2001
s 361	ad No 59, 1989
	am No 60, 1994; No 110, 1995; No 113, 1998; No 60, 2015
s. 362	ad. No. 60, 1994
	am. No. 113, 1998; No 60, 2015
s. 362A	ad. No. 110, 1995
	rs. No. 113, 1998
s 362B	ad No 113, 1998
	am No 35, 2015
s 362C	ad No 35, 2015
s. 363	ad. No. 59, 1989
	am. No. 110, 1995; No 60, 2015
s. 363A	ad. No. 110, 1995
s. 364	ad. No. 59, 1989
	am. No. 146, 1999
	rs No 60, 2015
s. 365	ad. No. 59, 1989
	am. No. 60, 1994; No. 113, 1998
s. 366	ad. No. 60, 1994
	am. No. 113, 1998
ss. 366A–366D	ad. No. 110, 1995
s. 367	ad. No. 60, 1994
	am. No. 113, 1998; No 60, 2015
Division 6	
Division 6 heading	rs No 60, 2015
s 368	ad No 59, 1989

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Provision affected	How affected
	am No 110, 1995; No 113, 1998; No 85, 2008; No 30, 2014; No 35, 2015
s. 368A	ad. No. 113, 1998
	am. No. 58, 2001
	rs. No. 85, 2008
s. 368B	ad. No. 113, 1998
	am. No. 58, 2001
	rep. No. 85, 2008
s. 368C	ad. No. 113, 1998
	rep. No. 85, 2008
s. 368D	ad. No. 113, 1998
	am. No. 85, 2008
	rs No 30, 2014; No 35, 2015
s. 369	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
Division 7	
Division 7	rs No 60, 2015
s. 370	ad. No. 59, 1989
	am. No. 24, 1992; No. 113, 1998; No. 97, 2001
	rs No 60, 2015
s. 371	ad. No. 59, 1989
	am. No. 24, 1992; No. 97, 2001
	rs No 60, 2015
s. 372	ad. No. 59, 1989
	am. No. 24, 1992
	rep No 60, 2015
Division 8	
Division 8 heading	rs No 60, 2015
s. 373	ad. No. 59, 1989
	am. No. 184, 1992
	rep No 60, 2015

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Endnote 4—Amendment history

Provision affected	How affected
s 374	ad. No. 59, 1989
	rep No 60, 2015
s 375	ad. No. 59, 1989
s. 375A	ad. No. 110, 1995
s. 376	ad. No. 59, 1989
	am. No. 110, 1995
s 377	ad. No. 59, 1989
	am. No. 24, 1992
	rep No 60, 2015
s 378	ad. No. 59, 1989
	am. No. 24, 1992
s. 379	ad. No. 59, 1989
	rep No 60, 2015
s. 379A	ad. No. 113, 1998
	rep. No. 58, 2001
Division 8A	
Division 8A heading	rs. No. 85, 2008; No 60, 2015
Division 8A	ad. No. 58, 2001
s. 379AA	ad. No. 58, 2001
	am. No. 85, 2008; No. 112, 2008; No 60, 2015
s. 379A	ad. No. 58, 2001
	am. No. 112, 2008; No 31, 2014; No 60, 2015
s. 379B	ad. No. 58, 2001
	am No 31, 2014; No 60, 2015
s. 379C	ad. No. 58, 2001
	am. No. 112, 2008; Nos 31 and 106, 2014
s. 379D	ad. No. 58, 2001
	am Nos 31 and 106, 2014
s. 379E	ad. No. 58, 2001
	rep No 60, 2015
s. 379EA	ad. No. 85, 2008

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Provision affected	How affected
s 379F	ad. No. 58, 2001
	am No 60, 2015
s 379G	ad. No. 58, 2001
	am No 106, 2014; No 60, 2015
Division 9	ad. No. 184, 1992
	rep No 60, 2015
s. 380	ad. No. 184, 1992
	rep No 60, 2015
s. 381	ad. No. 184, 1992
	am. No. 110, 1995; No. 113, 1998
	rep No 60, 2015
s 382	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 383	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 384	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 385	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 386	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 387	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s. 388	ad. No. 184, 1992
	am. No. 110, 1995; No. 113, 1998

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 60, 2015
s 389	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 390	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 391	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 392	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
s 393	ad. No. 184, 1992
	am. No. 113, 1998
	rep No 60, 2015
Part 6	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
Division 1	rep No 60, 2015
s. 394	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
s 395	ad. No. 59, 1989
	rs. No. 113, 1998
	am. No. 85, 2008
	rep No 60, 2015
s 396	ad. No. 59, 1989
	rs. No. 113, 1998
	am. No. 85, 2008
	rep No 60, 2015

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Provision affected	How affected
s. 397	ad. No. 59, 1989
	am. No. 184, 1992
	rs. No. 113, 1998
	rep No 60, 2015
s. 398	ad. No. 59, 1989
	am. No. 110, 1995
	rs. No. 113, 1998
	rep No 60, 2015
s. 399	ad. No. 59, 1989
	am. No. 86, 1991
	rep. No. 110, 1995
	ad. No. 113, 1998
	rep No 60, 2015
s. 400	ad. No. 59, 1989
	am. No. 184, 1992
	rs. No. 113, 1998
	rep No 60, 2015
s 401	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
s 402	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
s 403	ad. No. 59, 1989
	rs. No. 113, 1998
	rep No 60, 2015
s. 404	ad. No. 59, 1989
	am. No. 184, 1992
	rs. No. 113, 1998
	am. No. 85, 2008; No. 46, 2011
	rep No 60, 2015

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Endnote 4—Amendment history

Provision affected	How affected
s. 405	ad. No. 59, 1989
	rs. No. 113, 1998
	am. No. 85, 2008
	rep No 60, 2015
Division 2	rep No 60, 2015
s. 406	ad. No. 59, 1989
	am. No. 184, 1992
	rs. No. 113, 1998
	rep No 60, 2015
s 407	ad. No. 59, 1989
	rs. No. 113, 1998
	am. No. 146, 1999
	rep No 60, 2015
Part 7	
Part 7 heading	rs No 60, 2015
Part 7	ad. No. 184, 1992
Division 1	
s 408	ad. No. 59, 1989
	rs. No. 113, 1998
	am. No. 146, 1999
	rs No 60, 2015
	am No 60, 2015
s. 409	ad. No. 59, 1989
	rep. No. 113, 1998
	ad No 60, 2015
s 410	ad No 184, 1992
	am No 110, 1995; No 35, 2015; No 60, 2015
Division 2	
Division 2 heading	rs No 60, 2015
s. 411	ad. No. 184, 1992

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Provision affected	How affected
	am No 59, 1993; No 60, 1994; No 114, 1998; No 121, 2011; No 30, 2014; No 129, 2014; No 135, 2014; No 60, 2015
s. 412	ad. No. 184, 1992
	am No 60, 2015
s. 413	ad. No. 59, 1993
	rep No 60, 2015
s. 414	ad. No. 184, 1992
	am No 60, 2015
s. 414A	ad. No. 141, 2005
	rep No 135, 2014
s 415	ad No 184, 1992
	am No 35, 2015; No 60, 2015
s 416	ad No 184, 1992
	rs No 60, 2015
s. 417	ad. No. 184, 1992
	am. No. 59, 1993
s. 418	ad. No. 184, 1992
	am No 60, 2015
s. 419	ad. No. 59, 1993
	rep No 60, 2015
Division 3	
Division 3 heading	rs No 60, 2015
s 420	ad No 184, 1992
	am No 60, 2015
	ed C134
s 420A	ad No 113, 1998
	am No 35, 2015
	rep No 60, 2015
s 420B	ad No 35, 2015
	am No 60, 2015
s. 421	ad. No. 184, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 60, 2015
s. 422	ad. No. 184, 1992
	am No 113, 1998; No 30, 2014
	rep No 60, 2015
s. 422A	ad. No. 113, 1998
	am No 30, 2014
	rep No 60, 2015
Division 4	
Division 4 heading	rs No 60, 2015
s. 422B	ad. No. 60, 2002
	am. No. 100, 2007
s. 423	ad No 184, 1992
	am No 60, 2015
s 423A	ad No 35, 2015
s. 424	ad. No. 184, 1992
	am. No. 100, 1995
	rs. No. 113, 1998
	am. No. 58, 2001; No. 10, 2009
s 424AA	ad No 100, 2007
	am No 35, 2015
s 424A	ad No 113, 1998
	am No 58, 2001; No 100, 2007; No 35, 2015
s. 424B	ad. No. 113, 1998
	am. No. 100, 2007; No. 10, 2009
s. 424C	ad. No. 113, 1998
	am. No. 100, 2007; No. 10, 2009
s. 425	ad. No. 184, 1992
	rs. No. 113, 1998
s. 425A	ad. No. 113, 1998
	am. No. 58, 2001
s. 426	ad. No. 184, 1992

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Provision affected	How affected
	am. No. 113, 1998; No 60, 2015
s 426A	ad No 113, 1998
	am No 35, 2015
s 426B	ad No 35, 2015
s. 427	ad. No. 184, 1992
	am No 60, 2015
s. 428	ad. No. 184, 1992
	am. No. 146, 1999
	rs No 60, 2015
s. 429	ad. No. 184, 1992
s. 429A	ad. No. 113, 1998
Division 5	
Division 5 heading	rs No 60, 2015
s 430	ad No 184, 1992
	am No 113, 1998; No 85, 2008; No 30, 2014; No 35, 2015; No 60, 2015
s. 430A	ad. No. 113, 1998
	am. No. 58, 2001
	rs. No. 85, 2008
s. 430B	ad. No. 113, 1998
	am. No. 58, 2001
	rep. No. 85, 2008
s. 430C	ad. No. 113, 1998
	rep. No. 85, 2008
s 430D	ad No 113, 1998
	am No 85, 2008
	rs No 30, 2014; No 35, 2015; No 60, 2015
s 431	ad No 184, 1992
	am No 113, 1998; No 144, 2008
	rs No 60, 2015
Division 6	
Division 6	rs No 60, 2015

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Provision affected	How affected
s. 432	ad. No. 184, 1992
	am. No. 113, 1998; No. 97, 2001
	rs No 60, 2015
s. 433	ad. No. 184, 1992
	am. No. 97, 2001
	rs No 60, 2015
s. 434	ad. No. 184, 1992
	rep No 60, 2015
Division 7	
Division 7 heading	rs No 60, 2015
s 435	ad. No. 184, 1992
	rep No 60, 2015
s 436	ad. No. 184, 1992
	rep No 60, 2015
s 437	ad. No. 184, 1992
s 438	ad. No. 184, 1992
	am No 60, 2015
s 439	ad. No. 184, 1992
	rep No 60, 2015
s 440	ad. No. 184, 1992
	am No 60, 2015
s. 440A	ad. No. 141, 2005
	rep No 135, 2014
s. 441	ad. No. 184, 1992
	rep No 60, 2015
s. 441A	ad. No. 113, 1998
	rep. No. 58, 2001
Division 7A	
Division 7A heading	rs. No. 85, 2008; No 60, 2015
Division 7A	ad. No. 58, 2001
s. 441AA	ad. No. 58, 2001

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Provision affected	How affected
	am. No. 85, 2008; No. 112, 2008; No 60, 2015
s. 441A	ad. No. 58, 2001
	am. No. 112, 2008; No 31, 2014; No 60, 2015
s. 441B	ad. No. 58, 2001
	am No 31, 2014; No 60, 2015
s. 441C	ad. No. 58, 2001
	am. No. 112, 2008; Nos 31 and 106, 2014
s. 441D	ad. No. 58, 2001
	am Nos 31 and 106, 2014
s. 441E	ad. No. 58, 2001
	rep No 60, 2015
s. 441EA	ad. No. 85, 2008
s 441F	ad. No. 58, 2001
	am No 60, 2015
s 441G	ad. No. 58, 2001
	am No 106, 2014
Division 8	rep No 60, 2015
s 442	ad. No. 184, 1992
	rep No 60, 2015
s 443	ad. No. 184, 1992
	rep No 60, 2015
s 444	ad. No. 184, 1992
	rep No 60, 2015
s 445	ad. No. 184, 1992
	rep No 60, 2015
s 446	ad. No. 184, 1992
	rep No 60, 2015
s 447	ad. No. 184, 1992
	rep No 60, 2015
s 448	ad. No. 184, 1992
	rep No 60, 2015

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Endnote 4—Amendment history

Provision affected	How affected
s 449	ad. No. 184, 1992
	rep No 60, 2015
s 450	ad. No. 184, 1992
	rep No 60, 2015
s. 451	ad. No. 184, 1992
	am. No. 100, 1995
	rep No 60, 2015
s 452	ad. No. 184, 1992
	rep No 60, 2015
s 453	ad. No. 184, 1992
	rep No 60, 2015
s. 454	ad. No. 184, 1992
	am. No. 59, 1993
	rep No 60, 2015
s 455	ad. No. 184, 1992
	rep No 60, 2015
s 456	ad. No. 184, 1992
	rep No 60, 2015
Division 9	rep No 60, 2015
s. 457	ad. No. 184, 1992
	rep No 60, 2015
s. 458	ad. No. 184, 1992
	am. No. 110, 1995; No. 85, 2008
	rep No 60, 2015
s. 459	ad. No. 184, 1992
	am. No. 85, 2008
	rep No 60, 2015
s. 460	ad. No. 184, 1992
	am. No. 60, 1994; No 135, 2014
	rep No 60, 2015
s. 461	ad. No. 184, 1992

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Provision affected	How affected
	am. No. 28, 2000
	rep No 60, 2015
s. 462	ad. No. 184, 1992
	am. No. 110, 1995
	rep No 60, 2015
s. 463	ad. No. 184, 1992
	rep. No. 110, 1995
s 464	ad. No. 184, 1992
	rep No 60, 2015
s 465	ad. No. 184, 1992
	rep No 60, 2015
s 466	ad. No. 184, 1992
	rep No 60, 2015
s 467	ad. No. 184, 1992
	rep No 60, 2015
s 468	ad. No. 184, 1992
	rep No 60, 2015
s. 469	ad. No. 184, 1992
	am. No. 110, 1995; No. 113, 1998; No. 46, 2011
	rep No 60, 2015
s 470	ad No 184, 1992
	am No 135, 2014
	rep No 60, 2015
Division 10	rep No 60, 2015
s. 471	ad. No. 184, 1992
	rep No 60, 2015
s 472	ad. No. 184, 1992
	am. No. 146, 1999
	rep No 60, 2015
s 473	ad. No. 184, 1992
	am. No. 146, 1999

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 60, 2015
Part 7A	ad No 87, 2007
	rep No 60, 2015
s 473A	ad No 87, 2007
	am No 135, 2014
	rep No 60, 2015
Part 7AA	
Part 7AA	ad No 135, 2014
Division 1	
s 473BA	ad No 135, 2014
	am No 60, 2015
s 473BB	ad No 135, 2014
	am No 60, 2015
s 473BC	ad No 135, 2014
s 473BD	ad No 135, 2014
Division 2	
s 473CA	ad No 135, 2014
s 473CB	ad No 135, 2014
s 473CC	ad No 135, 2014
Division 3	
Subdivision A	
s 473DA	ad No 135, 2014
Subdivision B	
s 473DB	ad No 135, 2014
Subdivision C	
s 473DC	ad No 135, 2014
s 473DD	ad No 135, 2014
s 473DE	ad No 135, 2014
s 473DF	ad No 135, 2014
Division 4	
s 473EA	ad No 135, 2014

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Provision affected	How affected
s 473EB	ad No 135, 2014
s 473EC	ad No 135, 2014
	am No 60, 2015
Division 5	
s 473FA	ad No 135, 2014
s 473FB	ad No 135, 2014
	am No 60, 2015
s 473FC	ad No 135, 2014
	am No 60, 2015
Division 6	
s 473GA	ad No 135, 2014
s 473GB	ad No 135, 2014
s 473GC	ad No 135, 2014
s 473GD	ad No 135, 2014
	am No 60, 2015
Division 7	
s 473HA	ad No 135, 2014
s 473HB	ad No 135, 2014
s 473HC	ad No 135, 2014
s 473HD	ad No 135, 2014
s 473HE	ad No 135, 2014
s 473HF	ad No 135, 2014
s 473HG	ad No 135, 2014
Division 8	
s 473JA	ad No 135, 2014
	am No 60, 2015
s 473JB	ad No 135, 2014
	am No 60, 2015 (md not incorp Sch 2 item 186 table item 7)
s 473JC	ad No 135, 2014
	am No 60, 2015
s 473JD	ad No 135, 2014

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Endnote 4—Amendment history

Provision affected	How affected
	am No 60, 2015
s 473JE	ad No 135, 2014
	am No 60, 2015
s 473JF	ad No 135, 2014
	am No 60, 2015
Part 8	
Part 8 heading	rs. Nos. 157 and 134, 2001
Part 8	ad. No. 184, 1992
	rs. No. 134, 2001
Division 1	
s. 474	ad. No. 184, 1992
	rs. No. 134, 2001
	am. Nos. 79 and 137, 2005; No. 85, 2009; No. 113, 2012; No 60, 2015
Division 2	
Division 2 heading	rs. Nos. 157 and 134, 2001; No. 137, 2005
s 474A	ad No 60, 2015
s. 475	ad. No. 184, 1992
	am. No. 60, 1994; No. 100, 1995; No. 102, 1995 (as rep. by No. 100, 1995); Nos. 34 and 160, 1999; No. 28, 2000; No 157, 2001
	rs. No. 134, 2001
s. 475A	ad. No. 134, 2001
	am. No. 157, 2001
	rep. No. 137, 2005
s 476	ad. No. 184, 1992
	am. No. 157, 2001
	rs. No. 134, 2001
	am. No. 157, 2001; No. 75, 2003; No. 79, 2005
	rs. No. 137, 2005
	am. No. 13, 2013; No 135, 2014; No 10, 2017
s 476A	ad. No. 137, 2005
	am. No. 10, 2009; No. 13, 2013; No 60, 2015; No 10, 2017

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Provision affected	How affected
s. 476B	ad. No. 137, 2005
	am. No. 13, 2013
s 477	ad No 184, 1992
	am No 157, 2001
	rs No 134, 2001
	am No 157, 2001
	rs No 137, 2005
	am No 10, 2009; No 13, 2013; No 135, 2014; No 35, 2015; No 60, 2015
s. 477A	ad. No. 137, 2005
	am. No. 10, 2009
s. 478	ad. No. 184, 1992
	am. No. 157, 2001
	rs. No. 134, 2001
	am. No. 157, 2001; No. 137, 2005; No 135, 2014; No 41, 2015
s. 478A	ad. No. 157, 2001
	rep. No. 134, 2001
s. 479	ad. No. 184, 1992
	rs. No. 134, 2001
	am. No. 157, 2001; No. 137, 2005; No 135, 2014; No 41, 2015
s. 480	ad. No. 184, 1992
	rs. No. 134, 2001
	am. No. 157, 2001; No. 137, 2005; No. 13, 2013
s. 481	ad. No. 184, 1992
	am. No. 157, 2001
	rs. No. 134, 2001
	am. No. 157, 2001; No. 137, 2005
s. 482	ad. No. 184, 1992
	am. No. 60, 1994; No. 157, 2001
	rs. No. 134, 2001
	am. No. 137, 2005
s. 483	ad. No. 184, 1992

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Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 134, 2001; No. 137, 2005
	rep No 60, 2015
s. 483A	ad. No. 157, 2001
	rep. No. 137, 2005
s. 484	ad. No. 184, 1992
	rs. No. 134, 2001
	am. No. 157, 2001
	rs. No. 137, 2005
	am. No. 13, 2013
s. 485	ad. No. 184, 1992
	am. No. 160, 1999; Nos. 129 and 157, 2001
	rep. No. 134, 2001
s. 485A	ad. No. 129, 2001
	am. No. 157, 2001
	rep. No. 134, 2001
s. 486	ad. No. 184, 1992
	am. No. 157, 2001
	rep. No. 134, 2001
Part 8A	
Part 8A	ad. No. 129, 2001
s. 486A	ad. No. 129, 2001
	am. No. 134, 2001; No. 137, 2005; No. 10, 2009
s. 486AA	ad. No. 134, 2001
s. 486AB	ad. No. 134, 2001
	am. No. 85, 2008
s. 486B	ad. No. 129, 2001
	am. No. 157, 2001; No. 113, 2012; No. 13, 2013
s 486C	ad No 129, 2001
	am No 134, 2001; No 157, 2001; No 137, 2005; No 113, 2012; No 13, 2013
s 486D	ad No 137, 2005

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Provision affected	How affected
	am No 13, 2013; No 135, 2014; No 60, 2015
Part 8B	
Part 8B	ad. No. 137, 2005
ss. 486E–486J	ad. No. 137, 2005
s. 486K	ad. No. 137, 2005
	am. No. 159, 2008
Part 8C	
Part 8C	ad. No. 79, 2005
ss. 486L–486Q	ad. No. 79, 2005
Part 8D	
Part 8D	ad. No. 159, 2008
	rs. No. 10, 2013
Division 1	
s. 486R	ad. No. 159, 2008
	am. No. 13, 2013
	rs. No. 10, 2013
s. 486S	ad. No. 159, 2008
	rs. No. 10, 2013
s. 486T	ad. No. 159, 2008
	am. No. 13, 2013
	rs. No. 10, 2013
s. 486U	ad. No. 159, 2008
	rs. No. 10, 2013
s. 486V	ad. No. 159, 2008
	am. No. 13, 2013
	rs. No. 10, 2013
s. 486W	ad. No. 159, 2008
	rs. No. 10, 2013
s. 486X	ad. No. 159, 2008
	rs. No. 10, 2013
s. 486Y	ad. No. 159, 2008

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Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 10, 2013
Division 2	
s. 486Z	ad. No. 159, 2008
	rs. No. 10, 2013
s. 486ZA	ad. No. 159, 2008
	am. No. 13, 2013
	rs. No. 10, 2013
s. 486ZB	ad. No. 10, 2013
s. 486ZC	ad. No. 10, 2013
Division 3	
s. 486ZD	ad. No. 10, 2013
s. 486ZE	ad. No. 10, 2013
s. 486ZF	ad. No. 10, 2013
	am No 161, 2015
s. 486ZG	ad. No. 10, 2013
Part 8E	
Part 8E	ad. No. 10, 2013
Part 8E heading	rs No 161, 2015
Division 1	
s. 487A	ad. No. 10, 2013
	am. No. 13, 2013; No 161, 2015
Division 2	
s. 487B	ad. No. 10, 2013
	am No 41, 2015; No 161, 2015
s. 487C	ad. No. 10, 2013
	am No 161, 2015
Division 3	
Subdivision A	
s. 487D	ad. No. 10, 2013
s. 487E	ad. No. 10, 2013
s. 487F	ad. No. 10, 2013

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Provision affected	How affected
s. 487G	ad. No. 10, 2013
s. 487H	ad. No. 10, 2013
s. 487J	ad. No. 10, 2013
Subdivision B	
s. 487K	ad. No. 10, 2013
Subdivision C	
s. 487L	ad. No. 10, 2013
s. 487M	ad. No. 10, 2013
s. 487N	ad. No. 10, 2013
s. 487P	ad. No. 10, 2013
s. 487Q	ad. No. 10, 2013
s. 487R	ad. No. 10, 2013
s. 487S	ad. No. 10, 2013
s. 487T	ad. No. 10, 2013
Subdivision D	
s. 487U	ad. No. 10, 2013
s. 487V	ad. No. 10, 2013
Subdivision E	
s. 487W	ad. No. 10, 2013
s. 487X	ad. No. 10, 2013
s. 487Y	ad. No. 10, 2013
	am No 41, 2015
s. 487Z	ad. No. 10, 2013
	am No 41, 2015; No 161, 2015
s. 487ZA	ad. No. 10, 2013
	am No 41, 2015
s. 487ZB	ad. No. 10, 2013
Subdivision F	
s. 487ZC	ad. No. 10, 2013
	am No 161, 2015
s. 487ZD	ad. No. 10, 2013

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Endnote 4—Amendment history

Provision affected	How affected
s. 487ZE	ad. No. 10, 2013
s. 487ZF	ad. No. 10, 2013
Subdivision G	
s. 487ZG	ad. No. 10, 2013
	am No 41, 2015
Subdivision H	
s. 487ZH	ad. No. 10, 2013
Part 9	
Division 1	
Division 1 heading	ad No 116, 2014
s 487ZI	ad No 116, 2014
	am No 116, 2014
s 48ZJ	ad No 116, 2014
s 487ZK	ad No 116, 2014
s 487ZL	ad No 116, 2014
s. 487	am. No. 10, 1966; No. 117, 1979; No. 175, 1980
	rs. No. 59, 1989
	am. No. 24, 1992
	rep. No. 137, 2000
	ad. No. 2, 2004
s. 488	ad. No. 151, 1988
	am. Nos. 24 and 184, 1992; No. 166, 2000; No. 63, 2007; No 62, 2015
s. 488A	ad. No. 166, 2000
s 488AA	ad No 106, 2014
s. 488B	ad. No. 130, 2001
	am. No. 159, 2008
s. 489	ad. No. 151, 1988
s. 490	ad. No. 10, 1966
	am. No. 112, 1983; No. 59, 1989
s. 491	ad. No. 117, 1979

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Provision affected	How affected
	am. No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); Nos. 24 and 184, 1992; No. 60, 1994
	rep. No. 85, 2001
s. 492	ad. No. 117, 1979
	am. No. 27, 1997; No. 89, 1999; No. 144, 2008; No. 50, 2010
s 493	ad No 59, 1989
	am No 137, 2000; No 97, 2001; No 10, 2013; No 5, 2015
s. 494	ad. No. 117, 1979
s. 494AA	ad. No. 128, 2001
	am. No. 113, 2012; No. 35, 2013
s. 494AB	ad. No. 10, 2002
	am. No. 113, 2012
s. 494A	ad. No. 58, 2001
	am. No. 85, 2008; No. 112, 2008
s. 494B	ad. No. 58, 2001
	am. No. 112, 2008; No 31, 2014
s. 494C	ad. No. 58, 2001
	am. No. 112, 2008; Nos 31 and 106, 2014
s. 494D	ad. No. 58, 2001
	am. No. 85, 2008; No 106, 2014
s. 495	ad. No. 117, 1979
	rs. No. 59, 1989
s. 495A	ad. No. 58, 2001
	am. No. 141, 2005; No 115, 2015
s. 495B	ad. No. 58, 2001
s. 496	ad. No. 59, 1989
	am. No. 184, 1992; No. 114, 1998
s. 497	ad. No. 59, 1989
	am. No. 184, 1992; No. 60, 1994
s. 498	ad. No. 59, 1989

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 112, 1983; No. 59, 1989; No. 213, 1992; No. 60, 1994; No. 114, 1998
s. 499	ad. No. 59, 1989
	am. No. 114, 1998
s 500	ad. No. 61, 1981
	am No 112, 1983; No 59, 1989; No 213, 1992; No 60, 1994; No 114, 1998; No 157, 2001; No 38, 2005; No 121, 2011; No 13, 2013; No 30, 2014; No 129, 2014; No 135, 2014; No 60, 2015; No 10, 2017
s. 500A	ad. No. 34, 1999
	am. No. 159, 2006; No. 91, 2009; No. 81, 2011
s. 501	ad. No. 213, 1992
	am. No. 60, 1994
	rs. No. 114, 1998
	am. No. 159, 2006; No. 91, 2009; No. 81, 2011; No 129, 2014
s. 501A	ad. No. 114, 1998
	am. No. 129, 2001
s 501B	ad No 114, 1998
s 501BA	ad No 129, 2014
s 501C	ad No 114, 1998
s 501CA	ad No 129, 2014
s 501D	ad No 114, 1998
s 501E	ad No 114, 1998
	am No 106, 2014; No 129, 2014; No 135, 2014; No 10, 2017
s 501F	ad No 114, 1998
	am No 10, 2017
s 501G	ad No 114, 1998
	am No 129, 2014
s 501H	ad No 114, 1998
	am No 129, 2014
s. 501HA	ad. No. 85, 2008
s 501J	ad. No. 131, 2001

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Provision affected	How affected
s 501K	ad. No. 131, 2001
	am. No. 144, 2008
s 501L	ad No 129, 2014
s. 502	ad. No. 213, 1992
	am. No. 213, 1992; No. 60, 1994; No. 114, 1998; No 129, 2014; No 135, 2014
s 503	ad. No. 213, 1992
	am. No. 213, 1992; No. 60, 1994; No. 114, 1998; No 129, 2014; No 135, 2014; No 10, 2017
s 503A	ad. No. 114, 1998
	am. No. 75, 2003; No. 141, 2005; No. 46, 2011; No 197, 2012; No. 13, 2013; No 10, 2017
s 503B	ad. No. 75, 2003
	am. No. 137, 2005; No. 13, 2013; No 4, 2016; No 10, 2017
s. 503C	ad. No. 75, 2003
	am. No. 13, 2013; No 4, 2016
s. 503D	ad. No. 75, 2003
s. 504	am. No. 87, 1964; No. 10, 1966; Nos. 117 and 118, 1979; No. 61, 1981; No. 112, 1983; No. 72, 1984; No. 168, 1986; Nos. 133 and 141, 1987; No. 49, 1988; No. 59, 1989 (as am. by No. 159, 1989); Nos. 86, 196 and 198, 1991; Nos. 84 and 184, 1992; No. 27, 1997; No. 114, 1998; No. 160, 1999; No. 166, 2000; No. 122, 2003; No. 48, 2004; No. 141, 2005; No. 85, 2008; No 126, 2015; No 61, 2016
s. 505	ad. No. 176, 1992
	am. No. 60, 1994
s. 506	ad. No. 184, 1992
	am. No. 100, 1995
s. 506A	ad. No. 10, 2013
s. 507	ad. No. 27, 1997
	am. No. 144, 2008; No. 98, 2013

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Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Subsection 5AA(4) (definition of *vessel*)

Kind of editorial change

Removal of redundant text

Details of editorial change

The definition of ***vessel*** in subsection 5AA(4) is redundant as the definition is defined as being for the purposes of section 5AA but the defined term is not used in that section.

This compilation was editorially changed to omit the redundant definition.

Section 62 (heading)

Kind of editorial change

Correct a typographical error

Details of editorial change

The heading to section 62 reads "Failure to receive information not require action".

This compilation was editorially changed to insert "does" after "information" to correct the typographical error.

Section 112 (heading)

Kind of editorial change

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Correct a typographical error

Details of editorial change

The heading to section 112 reads "Action because of one non-compliance not prevent action because of other non-compliance".

This compilation was editorially changed to insert "does" after the first occurrence of "non-compliance" to correct the typographical error.

Section 420 (heading)

Kind of editorial change

Removal of redundant text

Details of editorial change

The heading to section 420 refers to the Refugee Review Tribunal. However, the Refugee Review Tribunal was abolished from 1 July 2015, and its functions transferred to the Migration and Refugee Division of the Administrative Appeals Tribunal (defined in the Act as "the Tribunal").

This compilation was editorially changed to omit "Refugee Review" from the heading.

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Endnote 6—Miscellaneous

Repeal tables

The amendment history of the repealed provisions of the *Migration Act 1958* up to and including the *Migration Legislation Amendment Act 1989* (No. 59, 1989) appears in the table below.

Provision affected	How affected
s. 3	am. No. 16, 1973
	rep. No. 216, 1973
Div. 1 of Part II	rep. No. 59, 1989
s. 5D	ad. No. 151, 1988
	rep. No. 59, 1989
s. 6AA	ad. No. 151, 1988
	am. No. 61, 1989
	rep. No. 59, 1989
s. 6AAA	ad. No. 71, 1986
	rep. No. 59, 1989
s. 6A	ad. No. 175, 1980
	am. No. 112, 1983; No. 141, 1987
	rep. No. 59, 1989
s. 6B	ad. No. 86, 1987
	am. No. 151, 1988
	rep. No. 59, 1989
Div. 1A of Part II	ad. No.117, 1979
	rep. No. 59, 1989
s. 11A	ad. No. 117, 1979
	am. Nos. 133 and 141, 1987; No. 151, 1988
	rep. No. 59, 1989
s. 11AB	ad. No. 86, 1987
	am. No. 5, 1988
	rep. No. 59, 1989

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Provision affected	How affected
s. 11B	ad. No. 117, 1979
	am. No. 141, 1987
	rep. No. 59, 1989
s. 11C	ad. No. 117, 1979
	am. No. 89, 1980; No. 51, 1982; No. 112, 1983; No. 22, 1984; Nos. 133 and 141, 1987
	rep. No. 59, 1989
s. 15	rep. No. 112, 1983
s. 16	am. No. 10, 1966; No. 117, 1979; No. 175, 1980; No. 61, 1981; No. 51, 1982; No. 112, 1983; Nos. 104 and 141, 1987; No. 151, 1988
	rep. No. 59, 1989
s. 17	rep. No. 216, 1973
s. 25	rep. No. 216, 1973
s. 34A	ad. No. 133, 1987
	rep. No. 49, 1988
Heading to Div. 6 of Part II	rs. No. 112, 1983
	rep. No. 59, 1989
Div. 6 of Part II	rep. No. 59, 1989
ss. 51–53	am. No. 10, 1966; No. 117, 1979; No. 112, 1983
	rep. No. 59, 1989
Heading to Part III	rs. No. 16, 1973
	rep. No. 73, 1983
Part III	rep. No. 73, 1983
s. 59	rs. No. 16, 1973
	rep. No. 73, 1983
s. 60	rep. No. 216, 1973
s. 66	am. Nos. 73 and 112, 1983
	rep. No. 59, 1989

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Endnote 6—Miscellaneous

The amendment history of the repealed provisions of the *Migration Act 1958* up to and including the *Migration Legislation Amendment Act 1994* (No. 60, 1994) appears in the table below.

Provision affected	How affected
s. 7A	ad. No. 37, 1990
	am. No. 184, 1992
	rep. No. 60, 1994
s. 9	ad. No. 59, 1989
	rep. No. 184, 1992
s. 11	ad. No. 59, 1989 (as am. by No. 159, 1989)
	rep. No. 184, 1992
s. 13	ad. No. 59, 1989
	am. No. 86, 1991; Nos. 84 and 184, 1992; No. 59, 1993
	rep. No. 184, 1992
ss. 16A, 16B	ad. No. 86, 1991
	rep. No. 184, 1992
s. 18	am. No. 112, 1983
	rs. No. 59, 1989 (as am. by No. 159, 1989); No. 86, 1991
	rep. No. 184, 1992
s. 20	rs. No. 59, 1989 (as am. by No. 159, 1989)
	am. No. 86, 1991; Nos. 24 and 84, 1992
	rep. No. 184, 1992
ss. 21, 22	rs. No. 59, 1989
	rep. No. 184, 1992
Div. 1AA of Part 2	ad. No. 84, 1992
	rep. No. 184, 1992
ss. 22AA–22AC	ad. No. 84, 1992
	rep. No. 184, 1992
s. 22AD	ad. No. 84, 1992
	am. No. 176, 1992
	rep. No. 184, 1992

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Provision affected	How affected
Heading to Subdiv. AD of Div. 2 of Part 2	ad. No. 184, 1992 rep. No. 60, 1994
s. 26ZI	ad. No. 184, 1992 rep. No. 60, 1994
Heading to Subdiv. AA of Div. 2 of Part 2	rep. No. 59, 1993
Heading to Div. 3 of Part 2	rep. No. 184, 1992
Div. 4 of Part 2	ad. No. 59, 1989 rep. No. 184, 1992
ss. 51, 52	ad. No. 59, 1989 rep. No. 184, 1992
s. 53	ad. No. 59, 1989 am. No. 86, 1991 rep. No. 184, 1992
s. 54	ad. No. 59, 1989 rep. No. 184, 1992
Div. 4A of Part 2	ad. No. 86, 1991 rep. No. 184, 1992
ss. 54A–54H	ad. No. 86, 1991 rep. No. 184, 1992
s. 59	ad. No. 59, 1989 (as am. by No. 159, 1989) rep. No. 184, 1992
s. 60	am. No. 112, 1983 rs. No. 59, 1989 (as am. by No. 159, 1989) am. No. 86, 1991 rep. No. 184, 1992
s. 61	ad. No. 86, 1987 am. No. 59, 1989; No. 184, 1992 rep. No. 184, 1992
s. 64	am. No. 10, 1966; No. 216, 1973; No. 117, 1979; No. 51, 1982 (as am. by No. 165, 1984); No. 112, 1983; No. 104, 1987; No. 59, 1989; No. 24, 1992

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Provision affected	How affected
	rep. No. 184, 1992
s. 65	ad. No. 117, 1979
	rs. No. 59, 1989
	rep. No. 184, 1992
s. 66	ad. No. 59, 1989
	rep. No. 184, 1992
s. 70	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); No. 24, 1992
	rep. No. 184, 1992
s. 75	rep. No. 220, 1992
s. 79	am. No. 10, 1966; No. 117, 1979; No. 112, 1983; No. 59, 1989; No. 24, 1992
	rep. No. 184, 1992
s. 82	ad. No. 117, 1979
	am. No. 112, 1983; No. 123, 1984; No. 59, 1989 (as am. by No. 159, 1989); No. 24, 1992
	rep. No. 184, 1992
s. 89	ad. No. 117, 1979
	am. No. 51, 1982; No. 112, 1983; No. 104, 1987; No. 59, 1989; No. 86, 1991; No. 24, 1992
	rep. No. 184, 1992
s. 89A	ad. No. 86, 1991
	rep. No. 184, 1992
s. 89B	ad. No. 176, 1992
	rep. No. 184, 1992
s. 92	am. No. 117, 1979; No. 112, 1983; No. 59, 1989 (as am. by No. 159, 1989); Nos. 24 and 184, 1992
	rep. No. 60, 1994
s. 100A	ad. No. 84, 1992
	rep. No. 184, 1992
Div. 9 of Part 2	ad. No. 59, 1989
	rep. No. 85, 1992

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Provision affected	How affected
s. 101	am. No. 112, 1983
	rs. No. 59, 1989
	am. No. 24, 1992
	rep. No. 85, 1992
s. 102	am. No. 10, 1966; No. 216, 1973; No. 91, 1976; No. 117, 1979; No. 112, 1983
	rs. No. 59, 1989
	am. No. 24, 1992
	rep. No. 85, 1992
ss. 103–105	am. No. 10, 1966; No. 117, 1979; No. 112, 1983
	rs. No. 59, 1989
	rep. No. 85, 1992
s. 106	ad. No. 59, 1989
	rep. No. 184, 1992
s. 108	am. No. 117, 1979; No. 112, 1983; No. 141, 1987; No. 59, 1989; No. 184, 1992
	rep. No. 60, 1994
s. 109	am. No. 112, 1983
	rep. No. 184, 1992
Div. 1 of Part 3	rep. No. 184, 1992
s. 115	am. No. 216, 1973
	rep. No. 73, 1983
	ad. No. 59, 1989 (as am. by No. 180, 1989)
	am. No. 86, 1991; No. 84, 1992
	rep. No. 184, 1992
s. 116	am. No. 10, 1966; No. 117, 1979
	rep. No. 73, 1983
	ad. No. 59, 1989
	am. No. 86, 1991; No. 84, 1992
	rep. No. 184, 1992
s. 117	am. No. 10, 1966; No. 117, 1979

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Provision affected	How affected
	rep. No. 73, 1983
	ad. No. 59, 1989
	rep. No. 184, 1992
s. 118	am. No. 10, 1966
	rep. No. 16, 1973
	ad. No. 59, 1989
	am. No. 86, 1991; No. 84, 1992
	rep. No. 184, 1992
s. 119	ad. No. 59, 1989
	rep. No. 184, 1992
s. 120	ad. No. 59, 1989 (as am. by No. 180, 1989)
	am. No. 86, 1991
	rep. No. 184, 1992
s. 121	ad. No. 59, 1989
	rep. No. 184, 1992
s. 121A	ad. No. 24, 1992
	rep. No. 184, 1992
Div. 2 of Part 3	rep. No. 184, 1992
s. 122	rep. No. 184, 1992
s. 137	ad. No. 59, 1989 (as am. by No. 180, 1989)
	am. No. 84, 1992
	rep. No. 184, 1992
ss. 138–140	ad. No. 59, 1989
	rep. No. 184, 1992

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Renumbering tables

The renumbering of provisions of the *Migration Act 1958*, made by the *Migration Legislation Amendment Act 1989* (No. 59, 1989) appears in the table below.

Old number	New number
Part I	Part 1
Section	Section
1	1
2	2
4	3
4A	3AA
5	4
5A	5
5B	6
5C	7
5D	8
5E	9
5F	10
5G	11
5H	12
5J	13
Part II	Part 2
Division 1	Division 1
Section	Section
6	14
7	15
8	16
9	17
10	18
11	19
11A	20
11B	21
11C	22

Old number	New number
Division 1A	Division 2
Subdivision A	Subdivision A
Section	Section
11D	23
11E	24
11F	25
11G	26
11H	27
11J	28
Subdivision B	Subdivision B
Section	Section
11K	29
11L	30
11M	31
11N	32
Division 1B	Division 3
Section	Section
11P	33
11Q	34
11R	35
11S	36
11T	37
11U	38
11V	39
11W	40
11X	41
11Y	42
11Z	43
11ZA	44

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Endnote 6—Miscellaneous

Old number	New number
11ZB	45
11ZC	46
Section	Section
11ZD	47
11ZE	48
11ZF	49
11ZG	50
Division 1C	Division 4
Section	Section
11ZH	51
11ZJ	52
11ZK	53
11ZL	54
Division 2	Division 5
Section	Section
12	55
13	56
14	57
14A	58
17A	59
18	60
18A	61
19	62
20	63
21	64
21A	65
21B	66
21C	67
21D	68
21E	69
22	70
Division 3	Division 6
Section	Section
23	71
23A	72
23B	73
24	74
26	75
Division 4	Division 7
Section	Section
26A	76
27	77
28	78
29	79
30	80
31	81
31A	82
31B	83
Division 5	Division 8
Section	Section
32	84
33	85
34	86
35	87
36	88
36A	89
37	90
37A	91
38	92
39	93
39A	94
40	95
41	96
42	97
43	98
44	99
45	100
Division 6	Division 9
Section	Section
46	101

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Old number	New number
47	102
48	103
49	104
50	105
Division 7	Division 10
Section	Section
53A	106
54	107
55	108
56	109
56A	110
57	111
58	112
59	113
60	114
Part III	Part 3
Division 1	Division 1
Section	Section
61	115
62	116
63	117
64	118
64A	119
64B	120
64C	121
Division 2	Division 2
Section	Section
64D	122
Division 3	Division 3
Section	Section
64E	123
64F	124
64G	125
64H	126
64J	127

Old number	New number
Division 4	Division 4
Section	Section
64K	128
64L	129
64M	130
64N	131
64P	132
Section	Section
64Q	133
64R	134
Division 5	Division 5
Section	Section
64S	135
64T	136
64U	137
64V	138
64W	139
64X	140
Division 6	Division 6
Section	Section
64Y	141
64Z	142
64ZA	143
Division 7	Division 7
Section	Section
64ZB	144
64ZC	145
64ZD	146
64ZE	147
64ZF	148
64ZG	149
64ZH	150
Part IIIA	Part 4

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Endnote 6—Miscellaneous

Old number	New number
Division 1	Division 1
Section	Section
64ZJ	151
64ZK	152
64ZL	153
64ZM	154
64ZN	155
64ZP	156
64ZQ	157
64ZR	158
64ZS	159
Section	Section
64ZT	160
64ZU	161
64ZV	162
64ZW	163
Division 2	Division 2
Section	Section
64ZX	164
64ZY	165
64ZZ	166

Old number	New number
Part IV	Part 5
Section	Section
65	167
65AA	168
65AB	169
Section	Section
65A	170
66A	171
66B	172
66BA	173
66C	174
66D	175
66DA	176
66DB	177
66DC	178
66DD	179
66E	180
67	181
The Schedule	The Schedule

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The renumbering of provisions of the *Migration Act 1958*, made by the *Migration Legislation Amendment Act 1994* (No. 60, 1994) appears in the table below.

Old number	New number
Part 1	Part 1
Section	Section
1	1
2	2
3	3
3AA	3A
3A	4
4	5
4AA	6
5	7
6	8
7	9
8	10
10	11
12	12
Part 2	Part 2
Division 1	Division 1
Section	Section
14	13
15	14
16	15
17	16
19	17
Division 1A	Division 2
Section	Section
22A	18
22B	19
22C	20
22D	21
22E	22

Old number	New number
Section	Section
22F	23
22G	24
22H	25
22J	26
22K	27
Division 2	Division 3
Subdivision A	Subdivision A
Section	Section
23	28
24	29
25	30
26	31
26A	32
26AA	33
26AB	34
26AC	35
26B	36
26C	37
26D	38
26E	39
26F	40
26G	41
26H	42
26J	43
Subdivision AA	Subdivision AA
Section	Section
26K	44
26L	45
26M	46

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Endnote 6—Miscellaneous

Old number	New number
Section	Section
26N	47
26P	48
26Q	49
26R	50
26S	51
Subdivision AB	Subdivision AB
Section	Section
26T	52
26U	53
26V	54
26W	55
26X	56
26Y	57
26Z	58
26ZA	59
26ZB	60
26ZC	61
26ZD	62
26ZE	63
26ZEA	64
Subdivision AC	Subdivision AC
Section	Section
26ZF	65
26ZG	66
26ZJ	67
26ZK	68
26ZKA (formerly 26ZH)	69
Subdivision AE	Subdivision AE
Section	Section
26ZL	70
26ZM	71
Subdivision AF	Subdivision AF
Section	Section
26ZN	72
26ZO	73
26ZP	74
Section	Section
26ZPA	75
26ZQ	76
Subdivision AG	Subdivision AG
Section	Section
26ZR	77
26ZS	78
26ZT	79
26ZU	80
26ZV	81
26ZW	82
27	83
28	84
Subdivision AH	Subdivision AH
Section	Section
28A	85
28B	86
28C	87
28D	88
28E	89
28F	90
28G	91
Subdivision B	Subdivision B
Section	Section
29	92
30	93
31	94
31A	95
32	96
Subdivision C	Subdivision C
Section	Section
33	97
34	98

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Old number	New number
35	99
36	100
37	101
38	102
39	103
Section	Section
40	104
41	105
42	106
43	107
44	108
45	109
46	110
47	111
48	112
49	113
50	114
50AA	115
Subdivision D	Subdivision D
Section	Section
50AB	116
50AC	117
50AD	118
Subdivision E	Subdivision E
Section	Section
50AE	119
50AF	120
50AG	121
50AH	122
50AI	123
50AJ	124
50AK	125
50AL	126
50AM	127
Subdivision F	Subdivision F

Old number	New number
Section	Section
50AN	128
50AO	129
50AP	130
50AQ	131
50AR	132
50AS	133
Subdivision G	Subdivision G
Section	Section
50A	134
50B	135
50C	136
50D	137
Subdivision H	Subdivision H
Section	Section
50E	138
50F	139
50G	140
Division 3	Division 4
Subdivision A	Subdivision A
Section	Section
51	141
52	142
53	143
54	144
Subdivision B	Subdivision B
Section	Section
54A	145
54B	146
Subdivision C	Subdivision C
Section	Section
54C	147
54D	148
54E	149
54F	150

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Endnote 6—Miscellaneous

Old number	New number
54G	151
54H	152
54HA	153
54HAA	154
Subdivision D	Subdivision D
Section	Section
54HB	155
54HC	156
54HD	157
54HE	158
Section	Section
54HF	159
54HG	160
54HH	161
Subdivision E	Subdivision E
Section	Section
54HI	162
54HJ	163
54HK	164
Division 4	Division 5
Section	Section
54HL	165
54HM	166
54HN	167
54HO	168
54HP	169
54HQ	170
54HR	171
54HS	172
54HT	173
54HU	174
54HV	175
Division 4B	Division 6
Section	Section
54J	176

Old number	New number
54K	177
54L	178
54M	179
54N	180
54P	181
54Q	182
54R	183
54RA	184
54S	185
54T	186
54U	187
Division 4C	Division 7
Section	Section
54V	188
54W	189
54X	190
54Y	191
54Z	192
54ZA	193
54ZB	194
54ZC	195
54ZD	196
54ZE	197
Division 4D	Division 8
Section	Section
54ZF	198
54ZG	199
Division 5	Division 9
Section	Section
55A	200
55	201
56	202
57	203
58	204
62	205

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Old number	New number
63	206
Division 5A	Division 10
Section	Section
64	207
65	208
66	209
66A	210
66B	211
66C	212
66D	213
66E	214
66F	215
66G	216
66GA	217
Section	Section
66H	218
66J	219
66K	220
66L	221
67	222
68	223
69	224
Division 6	Division 11
Section	Section
71	225
72	226
73	227
74	228
Division 7	Division 12
Subdivision A	Subdivision A
Section	Section
76	229
77	230
77A	231
78	232
80	233
81	234
83	235
83AA	236
Subdivision B	Subdivision B
Section	Section
83A	237
83B	238
83C	239
83D	240
83E	241
83F	242
83G	243
83H	244
83J	245
Division 8	Division 13
Section	Section
84	246
85	247
86	248
87	249
88	250
90	251
91	252
93	253
94	254
95	255
96	256
97	257
98	258
99	259
100	260
100AA	261
Division 8A	Division 14
Section	Section

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Endnote 6—Miscellaneous

Old number	New number
100B	262
100C	263
100D	264
100E	265
100F	266
100G	267
100H	268
Division 10	Division 15
Section	Section
107	269
110	270
111	271
112	272
113	273
114	274
Part 2A	Part 3
Division 1	Division 1
Section	Section
114A	275
114B	276
114C	277
114D	278
114E	279
Division 2	Division 2
Section	Section
114F	280
114G	281
114H	282
114J	283
114K	284
114L	285
Division 3	Division 3
Section	Section
114M	286
114N	287
114P	288
114Q	289
114R	290
114S	291
114T	292
114U	293
114V	294
114W	295
114X	296
114Y	297
114Z	298
114ZA	299
114ZB	300
114ZC	301
114ZD	302
114ZE	303
114ZF	304
114ZG	305
Section	Section
114ZH	306
Division 4	Division 4
Section	Section
114ZJ	307
114ZK	308
114ZL	309
114ZM	310
114ZN	311
Division 5	Division 5
Section	Section
114ZP	312
114ZQ	313
114ZR	314
Division 6	Division 6
Section	Section
114ZS	315

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Old number	New number
114ZT	316
114ZU	317
114ZV	318
114ZW	319
114ZX	320
114ZY	321
114ZZ	322
114ZZA	323
114ZZB	324
114ZZC	325
114ZZD	326
114ZZE	327
114ZZF	328
114ZZG	329
114ZZH	330
114ZZJ	331
114ZZK	332
Division 7	Division 7
Section	Section
114ZZL	333
Part 2B	Part 4
Section	Section
114ZZM	334
114ZZN	335
114ZZP	336
Part 3	Part 5
Division 1A	Division 1
Section	Section
115	337
Division 1	Division 2
Section	Section
115A	338
115B	339
115C	340
115D	341
115DA	342
115E	343
115F	344
115G	345
Division 2	Division 3
Section	Section
116	346
117	347
118	348
119	349
120	350
121	351
122	352
Division 3	Division 4
Section	Section
123	353
124	354
125	355
126	356
127	357
Division 4	Division 5
Section	Section
128	358
Section	Section
129	359
130	360
131	361
131A	362
132	363
133	364
134	365
134A	366
134B	367
Division 5	Division 6
Section	Section

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Old number	New number
135	368
136	369
Division 6	Division 7
Section	Section
141	370
142	371
143	372
Division 7	Division 8
Section	Section
144	373
145	374
146	375
147	376
148	377
149	378
150	379
Division 8	Division 9
Section	Section
150A	380
150B	381
150C	382
150D	383
150E	384
150F	385
150G	386
150H	387
Section	Section
150I	388
150J	389
150K	390
150L	391
150M	392
150N	393
Part 4	Part 6
Division 1	Division 1

Old number	New number
Section	Section
151	394
152	395
153	396
154	397
155	398
156	399
157	400
158	401
159	402
160	403
161	404
162	405
163	406
Division 2	Division 2
Section	Section
164	407
165	408
166	409
Part 4A	Part 7
Division 1	Division 1
Section	Section
166A	410
Division 2	Division 2
Section	Section
166B	411
166BA	412
166BAA	413
166BB	414
Section	Section
166BC	415
166BD	416
166BE	417
166BF	418
166BG	419

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Old number	New number
Division 3	Division 3
Section	Section
166C	420
166CA	421
166CB	422
Division 4	Division 4
Section	Section
166D	423
166DA	424
Division 4	Division 4
Section	Section
166DB	425
166DC	426
166DD	427
166DE	428
166DF	429
Division 5	Division 5
Section	Section
166E	430
166EA	431
Division 6	Division 6
Section	Section
166F	432
166FA	433
166FB	434
Division 7	Division 7
Section	Section
166G	435
166GA	436
166GB	437
166GC	438
166GD	439
Section	Section
166GE	440
166GF	441

Old number	New number
Division 8	Division 8
Section	Section
166H	442
166HA	443
166HB	444
166HC	445
166HD	446
166HE	447
166HF	448
166HG	449
166HH	450
166HI	451
166HJ	452
166HK	453
166HL	454
166HM	455
166HN	456
Division 9	Division 9
Section	Section
166J	457
166JA	458
166JB	459
166JC	460
166JD	461
166JE	462
166JF	463
166JG	464
166JH	465
166JI	466
166JJ	467
166JK	468
166JL	469
166JM	470

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Endnote 6—Miscellaneous

Old number	New number
Division 10	Division 10
Section	Section
166K	471
166KA	472
166KB	473
Part 4B	Part 8
Division 1	Division 1
Section	Section
166L	474
Division 2	Division 2
Section	Section
166LA	475
166LB	476
166LC	477
166LD	478
166LE	479
166LF	480
166LG	481
166LH	482
166LI	483
166LJ	484
166LK	485
166LL	486
Part 5	Part 9
Section	Section
167	487
168	488
169	489
170	490
171	491
172	492
173	493
174	494
175	495
176	496
177	497
Section	Section
178	498
179	499
180	500
180A	501
180B	502
Section	Section
180C	503
181	504
182	505
183	506
The Schedule	The Schedule

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