

2004-2005-2006-2007

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Migration Legislation Amendment  
(Information and Other Measures) Bill  
2007**

**No.     , 2007**

*(Immigration and Citizenship)*

**A Bill for an Act to amend the law relating to  
migration, fisheries and the environment, and for  
related purposes**

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1     **A Bill for an Act to amend the law relating to**  
2     **migration, fisheries and the environment, and for**  
3     **related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Migration Legislation Amendment*  
7                     *(Information and Other Measures) Act 2007*.

8     **2 Commencement**

9                     (1) Each provision of this Act specified in column 1 of the table  
10                     commences, or is taken to have commenced, in accordance with  
11                     column 2 of the table. Any other statement in column 2 has effect  
12                     according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
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.	
3. Schedule 1, Part 2, Division 1	At the same time as the provision(s) covered by table item 2. However, Division 1 of Part 2 of Schedule 1 to this Act does not commence at all if Schedule 1 to the <i>Australian Citizenship (Transitionals and Consequential) Act 2007</i> commences at or before that time.	
4. Schedule 1, items 66 and 67	Immediately before the commencement of Schedules 1 and 3 to the <i>Australian Citizenship (Transitionals and Consequential) Act 2007</i> . However, items 66 and 67 of Schedule 1 to this Act do not commence at all if Schedules 1 and 3 to the <i>Australian Citizenship (Transitionals and Consequential) Act 2007</i> commence at or before the time that the provision(s) covered by table item 2 commence.	
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 <i>Australian Citizenship (Transitionals and Consequential) Act 2007</i> . However, the provision(s) do not commence	

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
	at all if the event mentioned in paragraph (b) does not occur.	
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 <i>Australian Citizenship (Transitional and Consequential) Act 2007</i> does not commence at or before that time.	
7. Schedule 1, item 70	Immediately after the commencement of Schedule 1 to the <i>Australian Citizenship (Transitional and Consequential) Act 2007</i> .  However, item 70 of Schedule 1 to this Act does not commence at all if Schedule 1 to the <i>Australian Citizenship (Transitional and Consequential) Act 2007</i> commences at or before the time the provision(s) covered by table item 2 commence.	
8. Schedule 1, items 71 and 72	At the same time as the provision(s) covered by table item 2.	
9. Schedule 2	At the same time as the provision(s) covered by table item 2.	
10. Schedule 3	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally  
2 passed by both Houses of the Parliament and assented to. It will not be  
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not  
5 part of this Act. Information in this column may be added to or  
6 edited in any published version of this Act.

### 7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or  
9 repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

1  
2 **Schedule 1—Personal identifiers**

3 **Part 1—Main amendments**

4 *Environment Protection and Biodiversity Conservation Act*  
5 *1999*

6 **1 Paragraphs 26(3)(a) and (b) of Schedule 1**

7 Omit “non-citizen”, substitute “person”.

8 **2 Clause 49 of Schedule 1 (definition of *disclose*)**

9 Repeal the definition, substitute:

10 *disclose*, in relation to identifying information that is a personal  
11 identifier provided under clause 28, includes provide unauthorised  
12 access to the personal identifier.

13 Note: Clause 52 deals with authorised access to identifying information.

14 **3 Clause 49 of Schedule 1 (definition of *identifying***  
15 ***information*)**

16 Repeal the definition, substitute:

17 *identifying information* means the following:

- 18 (a) any personal identifier provided under clause 28;  
19 (b) any meaningful identifier derived from any such personal  
20 identifier;  
21 (c) any record of a result of analysing any such personal  
22 identifier or any meaningful identifier derived from any such  
23 personal identifier;  
24 (d) any other information, derived from any such personal  
25 identifier, from any meaningful identifier derived from any  
26 such personal identifier or from any record of a kind referred  
27 to in paragraph (c), that could be used to discover a particular  
28 person’s identity or to get information about a particular  
29 person.

30 **4 After subclause 51(1) of Schedule 1**

31 Insert:

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**Schedule 1** Personal identifiers

**Part 1** Main amendments

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1 (1A) This clause does not apply if the person believes on reasonable  
2 grounds that the access is necessary to prevent or lessen a serious  
3 and imminent threat to the life or health of the person or of any  
4 other person.

5 Note: A defendant bears an evidential burden in relation to the matter in  
6 subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

7 **5 Paragraph 52(2)(g) of Schedule 1**

8 Repeal the paragraph, substitute:

9 (g) the purposes of this Act;

10 **6 After subclause 53(1) of Schedule 1**

11 Insert:

12 (1A) This clause does not apply if the person believes on reasonable  
13 grounds that the disclosure is necessary to prevent or lessen a  
14 serious and imminent threat to the life or health of the person or of  
15 any other person.

16 Note: A defendant bears an evidential burden in relation to the matter in  
17 subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

18 **7 Subparagraph 53(2)(a)(i) of Schedule 1**

19 Omit “non-citizen”, substitute “person”.

20 **8 Subparagraph 53(2)(a)(ii) of Schedule 1**

21 Omit “non-citizens”, substitute “persons”.

22 **9 Paragraph 53(2)(d) of Schedule 1**

23 Omit “non-citizen”, substitute “person”.

24 **10 After paragraph 53(2)(d) of Schedule 1**

25 Insert:

26 (da) is to an agency of the Commonwealth or of a State or  
27 Territory in order to verify that a person is an Australian  
28 citizen or holds a visa of a particular class; or

29 **11 After paragraph 53(2)(e) of Schedule 1**

30 Insert:

31 (ea) is reasonably necessary for the enforcement of the criminal  
32 law of the Commonwealth or of a State or Territory; or

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1 (eb) is required by or under a law of the Commonwealth or of a  
2 State or Territory; or

3 **12 Paragraph 53(2)(f) of Schedule 1**

4 Omit “non-citizen”, substitute “person”.

5 **13 Paragraph 53(2)(g) of Schedule 1**

6 Repeal the paragraph, substitute:

7 (g) is for the purpose of an investigation by the Privacy  
8 Commissioner or the Ombudsman relating to action taken by  
9 the Department; or

10 **14 After paragraph 53(2)(h) of Schedule 1**

11 Insert:

12 (ha) is a disclosure of an audio or a video recording for the  
13 purposes of:  
14 (i) this Act or the regulations; and  
15 (ii) transcribing or translating the recording, or conducting  
16 language analysis or accent analysis of the recording; or

17 **15 Paragraph 53(2)(i) of Schedule 1**

18 Omit “non-citizen”, substitute “person”.

19 ***Fisheries Management Act 1991***

20 **16 Paragraphs 26(3)(a) and (b) of Schedule 1A**

21 Omit “non-citizen”, substitute “person”.

22 **17 Clause 49 of Schedule 1A (definition of *disclose*)**

23 Repeal the definition, substitute:

24 *disclose*, in relation to identifying information that is a personal  
25 identifier provided under clause 28, includes provide unauthorised  
26 access to the personal identifier.

27 Note: Clause 52 deals with authorised access to identifying information.

28 **18 Clause 49 of Schedule 1A (definition of *identifying***  
29 ***information*)**

30 Repeal the definition, substitute:

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- 1                    *identifying information* means the following:
- 2                    (a) any personal identifier provided under clause 28;
- 3                    (b) any meaningful identifier derived from any such personal
- 4                    identifier;
- 5                    (c) any record of a result of analysing any such personal
- 6                    identifier or any meaningful identifier derived from any such
- 7                    personal identifier;
- 8                    (d) any other information, derived from any such personal
- 9                    identifier, from any meaningful identifier derived from any
- 10                    such personal identifier or from any record of a kind referred
- 11                    to in paragraph (c), that could be used to discover a particular
- 12                    person's identity or to get information about a particular
- 13                    person.

14                    **19 After subclause 51(1) of Schedule 1A**

15                    Insert:

- 16                    (1A) This clause does not apply if the person believes on reasonable
- 17                    grounds that the access is necessary to prevent or lessen a serious
- 18                    and imminent threat to the life or health of the person or of any
- 19                    other person.

20                    Note:            A defendant bears an evidential burden in relation to the matter in

21                    subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

22                    **20 Paragraph 52(2)(g) of Schedule 1A**

23                    Repeal the paragraph, substitute:

- 24                    (g) the purposes of this Act;

25                    **21 After subclause 53(1) of Schedule 1A**

26                    Insert:

- 27                    (1A) This clause does not apply if the person believes on reasonable
- 28                    grounds that the disclosure is necessary to prevent or lessen a
- 29                    serious and imminent threat to the life or health of the person or of
- 30                    any other person.

31                    Note:            A defendant bears an evidential burden in relation to the matter in

32                    subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

33                    **22 Subparagraph 53(2)(a)(i) of Schedule 1A**

34                    Omit “non-citizen”, substitute “person”.

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1 **23 Subparagraph 53(2)(a)(ii) of Schedule 1A**

2 Omit “non-citizens”, substitute “persons”.

3 **24 Paragraph 53(2)(d) of Schedule 1A**

4 Omit “non-citizen”, substitute “person”.

5 **25 After paragraph 53(2)(d) of Schedule 1A**

6 Insert:

7 (da) is to an agency of the Commonwealth or of a State or  
8 Territory in order to verify that a person is an Australian  
9 citizen or holds a visa of a particular class; or

10 **26 After paragraph 53(2)(e) of Schedule 1A**

11 Insert:

12 (ea) is reasonably necessary for the enforcement of the criminal  
13 law of the Commonwealth or of a State or Territory; or  
14 (eb) is required by or under a law of the Commonwealth or of a  
15 State or Territory; or

16 **27 Paragraph 53(2)(f) of Schedule 1A**

17 Omit “non-citizen”, substitute “person”.

18 **28 Paragraph 53(2)(g) of Schedule 1A**

19 Repeal the paragraph, substitute:

20 (g) is for the purpose of an investigation by the Privacy  
21 Commissioner or the Ombudsman relating to action taken by  
22 the Department; or

23 **29 After paragraph 53(2)(h) of Schedule 1A**

24 Insert:

25 (ha) is a disclosure of an audio or a video recording for the  
26 purposes of:  
27 (i) this Act or the regulations; and  
28 (ii) transcribing or translating the recording, or conducting  
29 language analysis or accent analysis of the recording; or

30 **30 Paragraph 53(2)(i) of Schedule 1A**

31 Omit “non-citizen”, substitute “person”.

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1 ***Migration Act 1958***

2 **31 Paragraphs 5A(3)(a) and (b)**

3 Omit “non-citizen”, substitute “person”.

4 **32 Section 5B**

5 Omit “non-citizen”, substitute “person”.

6 **33 Section 336A (definition of *disclose*)**

7 Repeal the definition, substitute:

8 *disclose*, in relation to identifying information that is a personal  
9 identifier provided under section 40, 46, 166, 170, 175, 188, 192 or  
10 261AA, includes provide unauthorised access to the personal  
11 identifier.

12 Note: Section 336D deals with authorised access to identifying information.

13 **34 Section 336A (definition of *identifying information*)**

14 Repeal the definition, substitute:

15 *identifying information* means the following:

- 16 (a) any personal identifier provided under section 40, 46, 166,  
17 170, 175, 188, 192 or 261AA;
- 18 (b) any meaningful identifier derived from any such personal  
19 identifier;
- 20 (c) any record of a result of analysing any such personal  
21 identifier or any meaningful identifier derived from any such  
22 personal identifier;
- 23 (d) any other information, derived from any such personal  
24 identifier, from any meaningful identifier derived from any  
25 such personal identifier or from any record of a kind referred  
26 to in paragraph (c), that could be used to discover a particular  
27 person’s identity or to get information about a particular  
28 person.

29 **35 After subsection 336C(1)**

30 Insert:

31 (1A) This section does not apply if the person believes on reasonable  
32 grounds that the access is necessary to prevent or lessen a serious

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1 and imminent threat to the life or health of the person or of any  
2 other person.

3 Note: A defendant bears an evidential burden in relation to the matter in  
4 subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

5 **36 After subsection 336E(1)**

6 Insert:

7 (1A) This section does not apply if the person believes on reasonable  
8 grounds that the disclosure is necessary to prevent or lessen a  
9 serious and imminent threat to the life or health of the person or of  
10 any other person.

11 Note: A defendant bears an evidential burden in relation to the matter in  
12 subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

13 **37 Subparagraph 336E(2)(a)(i)**

14 Omit “non-citizen”, substitute “person”.

15 **38 Subparagraph 336E(2)(a)(ii)**

16 Omit “non-citizens”, substitute “persons”.

17 **39 Paragraph 336E(2)(d)**

18 Omit “non-citizen”, substitute “person”.

19 **40 After paragraph 336E(2)(d)**

20 Insert:

21 (da) is to an agency of the Commonwealth or of a State or  
22 Territory in order to verify that a person is an Australian  
23 citizen or holds a visa of a particular class; or

24 **41 After paragraph 336E(2)(e)**

25 Insert:

26 (ea) is reasonably necessary for the enforcement of the criminal  
27 law of the Commonwealth or of a State or Territory; or  
28 (eb) is required by or under a law of the Commonwealth or of a  
29 State or Territory; or

30 **42 Paragraph 336E(2)(f)**

31 Omit “non-citizen”, substitute “person”.

1 **43 Paragraph 336E(2)(g)**

2 Repeal the paragraph, substitute:

3 (g) is for the purpose of an investigation by the Privacy  
4 Commissioner or the Ombudsman relating to action taken by  
5 the Department; or

6 (ga) is for the purpose of facilitating or expediting the exercise of  
7 powers, or performance of functions, of the Migration Agents  
8 Registration Authority; or

9 **44 Paragraph 336E(2)(i)**

10 Omit “non-citizen”, substitute “person”.

11 ***Torres Strait Fisheries Act 1984***

12 **45 Paragraphs 26(3)(a) and (b) of Schedule 2**

13 Omit “non-citizen”, substitute “person”.

14 **46 Clause 49 of Schedule 2 (definition of *disclose*)**

15 Repeal the definition, substitute:

16 *disclose*, in relation to identifying information that is a personal  
17 identifier provided under clause 28, includes provide unauthorised  
18 access to the personal identifier.

19 Note: Clause 52 deals with authorised access to identifying information.

20 **47 Clause 49 of Schedule 2 (definition of *identifying***  
21 ***information*)**

22 Repeal the definition, substitute:

23 *identifying information* means the following:

- 24 (a) any personal identifier provided under clause 28;
- 25 (b) any meaningful identifier derived from any such personal  
26 identifier;
- 27 (c) any record of a result of analysing any such personal  
28 identifier or any meaningful identifier derived from any such  
29 personal identifier;
- 30 (d) any other information, derived from any such personal  
31 identifier, from any meaningful identifier derived from any  
32 such personal identifier or from any record of a kind referred

1 to in paragraph (c), that could be used to discover a particular  
2 person's identity or to get information about a particular  
3 person.

4 **48 After subclause 51(1) of Schedule 2**

5 Insert:

6 (1A) This clause does not apply if the person believes on reasonable  
7 grounds that the access is necessary to prevent or lessen a serious  
8 and imminent threat to the life or health of the person or of any  
9 other person.

10 Note: A defendant bears an evidential burden in relation to the matter in  
11 subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

12 **49 Paragraph 52(2)(g) of Schedule 2**

13 Repeal the paragraph, substitute:

14 (g) the purposes of this Act;

15 **50 After subclause 53(1) of Schedule 2**

16 Insert:

17 (1A) This clause does not apply if the person believes on reasonable  
18 grounds that the disclosure is necessary to prevent or lessen a  
19 serious and imminent threat to the life or health of the person or of  
20 any other person.

21 Note: A defendant bears an evidential burden in relation to the matter in  
22 subclause (1A) (see subsection 13.3(3) of the *Criminal Code*).

23 **51 Subparagraph 53(2)(a)(i) of Schedule 2**

24 Omit "non-citizen", substitute "person".

25 **52 Subparagraph 53(2)(a)(ii) of Schedule 2**

26 Omit "non-citizens", substitute "persons".

27 **53 Paragraph 53(2)(d) of Schedule 2**

28 Omit "non-citizen", substitute "person".

29 **54 After paragraph 53(2)(d) of Schedule 2**

30 Insert:

- 1 (da) is to an agency of the Commonwealth or of a State or  
2 Territory in order to verify that a person is an Australian  
3 citizen or holds a visa of a particular class; or

4 **55 After paragraph 53(2)(e) of Schedule 2**

5 Insert:

- 6 (ea) is reasonably necessary for the enforcement of the criminal  
7 law of the Commonwealth or of a State or Territory; or  
8 (eb) is required by or under a law of the Commonwealth or of a  
9 State or Territory; or

10 **56 Paragraph 53(2)(f) of Schedule 2**

11 Omit “non-citizen”, substitute “person”.

12 **57 Paragraph 53(2)(g) of Schedule 2**

13 Repeal the paragraph, substitute:

- 14 (g) is for the purpose of an investigation by the Privacy  
15 Commissioner or the Ombudsman relating to action taken by  
16 the Department; or

17 **58 After paragraph 53(2)(h) of Schedule 2**

18 Insert:

- 19 (ha) is a disclosure of an audio or a video recording for the  
20 purposes of:  
21 (i) this Act or the regulations; and  
22 (ii) transcribing or translating the recording, or conducting  
23 language analysis or accent analysis of the recording; or

24 **59 Paragraph 53(2)(i) of Schedule 2**

25 Omit “non-citizen”, substitute “person”.

26 **60 Transitional—Authorisations**

- 27 (1) This item applies to an authorisation that:  
28 (a) is in force under any of the following provisions immediately  
29 before this item commences:  
30 (i) clause 52 of Schedule 1 to the *Environment Protection*  
31 *and Biodiversity Conservation Act 1999*;



- 1 (ii) clause 52 of Schedule 1A to the *Fisheries Management*  
2 *Act 1991*;  
3 (iii) clause 52 of Schedule 2 to the *Torres Strait Fisheries*  
4 *Act 1984*; and  
5 (b) specifies that access to identifying information is authorised  
6 for the purpose of making decisions under that Act.
- 7 (2) The authorisation has effect on and after that commencement as if it  
8 were an authorisation in force under that clause that specified that  
9 access to identifying information is authorised for the purposes of that  
10 Act.

## 11 **61 Application**

12 The amendments made by items 1 to 59 of this Schedule apply to access  
13 to, or disclosure of, identifying information that occurs after those items  
14 commence.

1

2 **Part 2—Amendments contingent on the Australian**  
3 **Citizenship (Transitionals and**  
4 **Consequentials) Act 2007**

5 **Division 1—Amendments that commence if the**  
6 **Australian Citizenship (Transitionals and**  
7 **Consequentials) Act 2007 has not yet**  
8 **commenced**

9 *Migration Act 1958*

10 **62 Paragraph 336D(2)(g)**

11 Repeal the paragraph, substitute:

- 12 (g) the purposes of this Act or the regulations or of the  
13 *Australian Citizenship Act 1948* or the regulations made  
14 under that Act;

15 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
16 *(Transitionals and Consequentials) Act 2007* commences before Part 1 of this Schedule  
17 commences.

18 **63 After paragraph 336E(2)(h)**

19 Insert:

- 20 (ha) is a disclosure of an audio or a video recording for the  
21 purposes of:  
22 (i) this Act or the regulations or the *Australian Citizenship*  
23 *Act 1948* or the regulations made under that Act; and  
24 (ii) transcribing or translating the recording, or conducting  
25 language analysis or accent analysis of the recording; or

26 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
27 *(Transitionals and Consequentials) Act 2007* commences before Part 1 of this Schedule  
28 commences.

29 **64 Transitional—Authorisations**

- 30 (1) This item applies to an authorisation that:  
31 (a) is in force under section 336D of the *Migration Act 1958*  
32 immediately before this item commences; and
-

- 1 (b) specifies that access to identifying information is authorised  
2 for the purpose of making decisions under:  
3 (i) the *Migration Act 1958* or the regulations made under  
4 that Act; or  
5 (ii) the *Australian Citizenship Act 1948* or the regulations  
6 made under that Act.

- 7 (2) The authorisation has effect on and after that commencement as if it  
8 were an authorisation in force under that section that specified that  
9 access to identifying information is authorised for the purposes of that  
10 Act or the regulations made under that Act.

11 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
12 *(Transitionals and Consequential) Act 2007* commences before Part 1 of this Schedule  
13 commences.

## 14 **65 Application**

15 The amendments made by items 62 and 63 of this Schedule apply to  
16 access to, or disclosure of, identifying information that occurs after  
17 those items commence.

18 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
19 *(Transitionals and Consequential) Act 2007* commences before Part 1 of this Schedule  
20 commences.

## 21 **Division 2—Other amendments contingent on the** 22 **Australian Citizenship (Transitionals and** 23 **Consequential) Act 2007**

### 24 *Australian Citizenship (Transitionals and Consequential)* 25 *Act 2007*

#### 26 **66 Item 39 of Schedule 1**

27 Repeal the item.

28 Note: This item does not commence at all if Schedules 1 and 3 to the *Australian Citizenship*  
29 *(Transitionals and Consequential) Act 2007* commence before Part 1 of this Schedule  
30 commences.

#### 31 **67 Item 22 of Schedule 3**

32 Repeal the item.

33 Note: This item does not commence at all if Schedules 1 and 3 to the *Australian Citizenship*  
34 *(Transitionals and Consequential) Act 2007* commence before Part 1 of this Schedule  
35 commences.

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1 ***Migration Act 1958***

2 **68 Paragraph 336D(2)(g)**

3 Repeal the paragraph, substitute:

- 4 (g) the purposes of this Act or the regulations or of the  
5 *Australian Citizenship Act 2007* or the regulations made  
6 under that Act;

7 **69 After paragraph 336E(2)(h)**

8 Insert:

- 9 (ha) is a disclosure of an audio or a video recording for the  
10 purposes of:  
11 (i) this Act or the regulations or the *Australian Citizenship*  
12 *Act 2007* or the regulations made under that Act; and  
13 (ii) transcribing or translating the recording, or conducting  
14 language analysis or accent analysis of the recording; or

15 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
16 *(Transitionals and Consequentials) Act 2007* does not commence before Part 1 of this  
17 Schedule commences.

18 **70 Subparagraph 336E(2)(ha)(i)**

19 Repeal the subparagraph, substitute:

- 20 (i) this Act or the regulations or the *Australian Citizenship*  
21 *Act 2007* or the regulations made under that Act; and

22 Note: This item does not commence at all if Schedule 1 to the *Australian Citizenship*  
23 *(Transitionals and Consequentials) Act 2007* commences before Part 1 of this Schedule  
24 commences.

25 **71 Transitional—Authorisations**

26 (1) This item applies to an authorisation that:

- 27 (a) is in force under section 336D of the *Migration Act 1958*  
28 immediately before this item commences; and  
29 (b) specifies that access to identifying information is authorised  
30 for the purpose of making decisions under:  
31 (i) the *Migration Act 1958* or the regulations made under  
32 that Act; or  
33 (ii) the *Australian Citizenship Act 1948* or the regulations  
34 made under that Act; or

- 1 (iii) the *Australian Citizenship Act 2007* or the regulations  
2 made under that Act.
- 3 (2) The authorisation has effect on and after that commencement as if it  
4 were an authorisation in force under that section that specified that  
5 access to identifying information is authorised for the purposes of that  
6 Act or the regulations made under that Act.

7 **72 Application**

8 The amendment made by item 68, 69 or 70 of this Schedule applies to  
9 access to, or disclosure of, identifying information that occurs after that  
10 item commences.

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## Schedule 2—Authorisations relating to movement records

### *Migration Act 1958*

#### 1 After paragraph 488(2)(a)

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Insert:

8

(aa) authorise an officer, for the purpose of making a movement record available to, and for the use of:

9

10

(i) the person to whom the record relates; or

11

(ii) the duly appointed agent of that person;

12

to perform one or more of those actions; or

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#### 2 Application provision

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The amendment of the *Migration Act 1958* made by this Schedule

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applies in relation to any request made to the Department for access to a movement record:

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(a) by the person to whom the record relates; or

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(b) by the duly appointed agent of that person;

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on or after the commencement of this Schedule.

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2  
3

## **Schedule 3—Other amendments**

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### ***Migration Act 1958***

5

#### **1 Subsection 5(1) (paragraph (a) of the definition of *fisheries detention offence*)**

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7

Omit “100A, 101, 101A,”, substitute “100A, 100B, 101, 101A, 101AA,”.

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9

#### **2 Subsection 5(1) (paragraph (b) of the definition of *fisheries detention offence*)**

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12

Omit “45, 48, 49 or 51”, substitute “45, 46A, 46B, 46C, 46D, 48, 49, 49A, 51 or 51A”.