INSIGHT | THE FRAMEWORK

Ministerial Direction 123 vs 110

What needs updating in a character submission?

A change in the decision framework calls for a fresh look at how an existing response connects the facts, evidence and relevant considerations.

Comparison checked 10 November 2026: former Direction 110 and Home Affairs' current consolidated Direction 123, incorporating Direction 123A. This compares the published versions, not the amendment history of 123A.

Start with the decision being made

Direction 123 commenced on **31 October 2026**, revoking Direction 110. It applies to the defined decision-makers, including Department delegates and the Administrative Review Tribunal (ART), for covered refusal, cancellation and revocation decisions. [1,2]

The character test is in section 501 of the Migration Act. A direction made under section 499 cannot override the Act or Regulations. Refusal under section 501(1), cancellation under section 501(2), mandatory cancellation under section 501(3A), and a revocation request under section 501CA are distinct stages. The comparison here concerns the considerations for decisions under sections 501(1), 501(2) and 501CA(4). [1,3]

What did not change

- Community protection already generally carried greater weight than the other primary considerations.
- Family violence could already be considered without a conviction, using independent, authoritative evidence and procedural fairness.
- Children's best interests were already a primary consideration. [1,2]

An earlier response may need reassessment
For a pending Department or ART matter, check the Direction governing the decision. An earlier lodgement date alone is not a safe basis for assuming the old framework applies. This is a practical review prompt; obtain advice on the particular stage and record.

THE COMPARISON

What changed in the published text?

Selected differences in the published versions. Paragraph references below point to the official sources. [1,2]

Topic	Direction 110	Current Direction 123	Revisit the response
Ties and weighting	Five primary considerations; ties to Australia were one of them. Paras 8, 8.3.	Four primary considerations; ties move to other considerations. Paras 8, 9.1.	Keep relevant family, residence and contribution evidence. Reassess how it addresses the decision, rather than deleting it.
Domestic or family violence	A broad family-violence definition already included coercion, control and non-physical conduct. Para 4.	More explicit coverage includes digital tracking, image-based abuse and wider domestic relationships. Para 4.	Check the underlying records, context and response to each material concern. A conviction-only account may be incomplete.
Children	Best interests were primary; abuse, exposure and trauma were already relevant. Para 8.4.	Child victims are expressly identified; future-harm factors are more detailed. Paras 8(4), 8.4.	Consider each affected child individually. Identify appropriate evidence about care, contact, safety and harm.
Business interests	A separately listed other consideration addressed Australian business impacts. Paras 9, 9.3.	The standalone item is removed; the other-considerations list remains non-exhaustive. Paras 9, 9.1.	Explain the relevance of employment or contribution evidence. The change is not a blanket exclusion of that material.

Assess each matter on its facts
The legal power, relevant facts, reliability of the evidence and required reasoning must still be assessed together.

Other provisions, including Annex A risk guidance and removal-related provisions, may also affect a matter and should be checked where relevant.

APPLYING THE COMPARISON

Connect the evidence to the current considerations

A practical review of an existing response

Use these checks to prepare for a discussion with your adviser:

- Identify the exact notice, decision-maker, power and deadline. Separate a response to proposed action from a revocation request or review.
- Mark what each document actually establishes. Distinguish past events, present circumstances and an opinion about future behaviour.
- Look for gaps between the account and the records. Explain changes or omissions directly and check whether important information is current.
- Ask whether the response connects the evidence to the current considerations, rather than simply collecting favourable documents.

Hypothetical: the same file, a clearer explanation

A long-term resident has a pending request to revoke a mandatory visa cancellation and a response organised around Direction 110. It includes family and residence evidence, references and an earlier treatment report. If Direction 123 governs, the adviser retains the ties evidence but reworks its explanation under other considerations. The adviser also checks whether the report needs updating and explains what each document establishes. This fictional example illustrates a review method; it predicts no visa outcome.

Use older cases in their proper setting

Identify the law, Direction and decision stage involved before relying on an older case. A summary of a Direction 110 decision is not, by itself, an assessment of a current Direction 123 matter.

Discuss your response
Have your notice and existing response checked against the framework governing your decision. Contact Jade Immigration Lawyers.

Related JIL guides

Section 501 refusal, cancellation and revocation

Preparing character evidence and submissions

Official sources | checked 10 November 2026

[1] Home Affairs: Direction 123 (consolidated, including 123A)

[2] Home Affairs: former Direction 110

[3] Migration Act 1958: sections 499, 501 and 501CA

General information only, not legal advice. Application, response and review requirements depend on the decision and individual circumstances. Check current law and the exact notice before acting.