



# **Migration Agents Registration Application Charge Amendment Act 2004**

**No. 31, 2004**

**An Act to amend the *Migration Agents Registration  
Application Charge Act 1997*, and for related  
purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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**An Act to amend the *Migration Agents Registration  
Application Charge Act 1997*, and for related  
purposes**

[Assented to 5 April 2004]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Migration Agents Registration  
Application Charge Amendment Act 2004*.

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## 2 Commencement

- (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.

<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.	5 April 2004
2. Schedule 1	At the same time as Schedule 1 to the <i>Migration Legislation Amendment (Migration Agents Integrity Measures) Act 2004</i> commences.	1 July 2004

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

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

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments**

### ***Migration Agents Registration Application Charge Act 1997***

#### **1 Title**

Omit “on applications by individuals for registration as”, substitute “in relation to the registration of”.

#### **2 Before section 1**

Insert:

### **Part 1—Preliminary**

#### **3 After section 2**

Insert:

### **Part 2—Imposition of charge on registration applications**

#### **4 Section 3**

Omit “this Act”, substitute “this Part”.

#### **5 At the end of the Act**

Add:

### **Part 3—Imposition of charge in respect of the status of a migration agent’s registration**

#### **9 Interpretation**

(1) In this Part:

***Charge Regulations*** means the *Migration Agents Registration Application Charge Regulations 1998*.

*immigration assistance* has the same meaning as in Part 3 of the *Migration Act 1958*.

*non-commercial application fee* means charge payable under regulation 5 of the Charge Regulations.

*registered migration agent* has the same meaning as in Part 3 of the *Migration Act 1958*.

- (2) For the purposes of this Part, a registered migration agent gives immigration assistance on a *commercial basis* if he or she gives immigration assistance:
  - (a) on a commercial, or for-profit, basis; or
  - (b) as a member of, or a person associated with, an organisation that operates on a commercial, or for-profit, basis.
- (3) The regulations may make provision for and in relation to working out the day on which a registered migration agent begins to give immigration assistance on a commercial basis.

## 10 Imposition of charge

Charge is imposed in respect of a registered migration agent:

- (a) who paid the non-commercial application fee in relation to his or her current period of registration; and
- (b) who gives immigration assistance on a commercial basis at any time during that period.

## 11 Who must pay charge?

Charge is payable by the registered migration agent.

## 12 Amount of charge

*Amount of charge*

- (1) The amount of charge payable by the registered migration agent is the amount worked out using this formula:



$$\left( \text{Commercial application fee} \times \frac{\text{Number of days in the remaining period}}{365} \right) - \left( \text{Paid fee} \times \frac{\text{Number of days in the remaining period}}{365} \right)$$

where:

***commercial application fee*** means the amount of charge that would have been payable by the agent under regulation 4 of the Charge Regulations, if that regulation had applied in relation to his or her current period of registration.

***paid fee*** means the non-commercial application fee paid by the agent in relation to his or her current period of registration.

***remaining period*** means the period:

- (a) beginning on the first day in the current period of the agent's registration on which he or she gives immigration assistance on a commercial basis; and
- (b) ending on the last day of the current period of the agent's registration.

***Rounding***

- (2) If the amount worked out using the formula is not a number of whole dollars, it is to be rounded down to the nearest whole dollar.

### **13 Regulations**

The Governor-General may make regulations for the purposes of this Part.

### **6 Application**

The amendments made by this Schedule apply in relation to registrations taking place after the commencement of this Schedule.

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*[Minister's second reading speech made in—  
House of Representatives on 17 September 2003  
Senate on 8 October 2003]*

(145/03)