



# **Migration Amendment (Regional Processing Arrangements) Act 2015**

**No. 104, 2015**

**An Act to amend the *Migration Act 1958*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Migration Amendment (Regional Processing Arrangements) Act 2015

No. 104, 2015

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**An Act to amend the *Migration Act 1958*, and for related purposes**

[Assented to 30 June 2015]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Migration Amendment (Regional Processing Arrangements) Act 2015*.

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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>Provisions</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 this Act receives the Royal Assent.	30 June 2015
2. Schedule 1	18 August 2012.	18 August 2012

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Migration Act 1958*

#### **1 After section 198AH**

Insert:

#### **198AHA Power to take action etc. in relation to arrangement or regional processing functions of a country**

- (1) This section applies if the Commonwealth enters into an arrangement with a person or body in relation to the regional processing functions of a country.
- (2) The Commonwealth may do all or any of the following:
  - (a) take, or cause to be taken, any action in relation to the arrangement or the regional processing functions of the country;
  - (b) make payments, or cause payments to be made, in relation to the arrangement or the regional processing functions of the country;
  - (c) do anything else that is incidental or conducive to the taking of such action or the making of such payments.
- (3) To avoid doubt, subsection (2) is intended to ensure that the Commonwealth has capacity and authority to take action, without otherwise affecting the lawfulness of that action.
- (4) Nothing in this section limits the executive power of the Commonwealth.
- (5) In this section:

**action** includes:

  - (a) exercising restraint over the liberty of a person; and
  - (b) action in a regional processing country or another country.

**arrangement** includes an arrangement, agreement, understanding, promise or undertaking, whether or not it is legally binding.

*regional processing functions* includes the implementation of any law or policy, or the taking of any action, by a country in connection with the role of the country as a regional processing country, whether the implementation or the taking of action occurs in that country or another country.

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[Minister's second reading speech made in—  
House of Representatives on 24 June 2015  
Senate on 25 June 2015]

(105/15)

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