Migration Amendment (Regional Processing Arrangements) Act 2015

No. 104, 2015

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

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Migration Amendment (Regional Processing Arrangements) Act 2015

No. 104, 2015

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*.

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.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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.

[*Minister’s second reading speech made in—*

*House of Representatives on 24 June 2015*

*Senate on 25 June 2015*]

(105/15)