



# **Migration Amendment (Validation of Decisions) Act 2017**

**No. 95, 2017**

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

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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# Migration Amendment (Validation of Decisions) Act 2017

No. 95, 2017

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

[Assented to 5 September 2017]

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Migration Amendment (Validation of Decisions) Act 2017*.

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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. The whole of this Act	The day after this Act receives the Royal Assent.	6 September 2017

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Validation of decisions

### *Migration Act 1958*

#### **1 Before section 504**

Insert:

#### **503E Validation of decisions**

- (1) If:
- (a) section 503A is not a valid law of the Commonwealth (in whole or in part); and
  - (b) the Minister made a decision under section 501, 501A, 501B, 501BA, 501C or 501CA before the commencement of this section;
- the decision is not invalid, and is taken never to have been invalid, merely because:
- (c) the Minister:
    - (i) relied on; or
    - (ii) had regard to; or
    - (iii) failed to disclose in accordance with any applicable common law or statutory obligation; information that was covered, or purportedly covered, by subsection 503A(1) or (2); or
  - (d) the Minister made the decision on the basis of an erroneous understanding of:
    - (i) section 503A; or
    - (ii) the protection that section 503A would provide against an obligation to disclose information.
- (2) However, subsection (1) does not affect rights or liabilities arising between parties to proceedings in which:
- (a) judgment is reserved by a court as at the commencement of this section; or
  - (b) judgment has been delivered by a court before the commencement of this section;

**Schedule 1** Validation of decisions

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and the judgment sets aside, or declares invalid, a decision made by the Minister under section 501, 501A, 501B, 501BA, 501C or 501CA.

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*[Minister's second reading speech made in—  
House of Representatives on 21 June 2017  
Senate on 16 August 2017]*

(148/17)

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