



Migration Amendment (Regulation of Migration Agents) Act 2020

No. 71, 2020

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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No. 71, 2020

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

[Assented to 22 June 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Migration Amendment (Regulation of Migration Agents) Act 2020*.

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.	22 June 2020
2. Schedules 1 and 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 9 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	22 March 2021
3. Schedule 3	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	11 August 2020 (F2020N00091)
4. Schedule 4	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	11 August 2020 (F2020N00091)
5. Schedule 5	At the same time as Schedule 1 to the <i>Migration Agents Registration Application Charge Amendment (Rates of Charge) Act 2020</i> commences. However, the provisions do not commence at all if that Schedule does not commence.	15 October 2020

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
6. Schedule 6	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	11 August 2020 (F2020N00091)

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—Australian legal practitioners providing immigration assistance

Migration Act 1958

1 Section 275

Insert:

Australian legal practitioner means a lawyer who holds a practising certificate (whether restricted or unrestricted) granted under a law of a State or Territory.

Note: For the meaning of *lawyer*, see subsection 5(1).

client: see section 306C.

eligible: see section 278A.

eligible period: see section 278A.

immigration assistance: see section 276.

inactive migration agent: see section 306B.

legal practice means the provision of legal services regulated by a law of a State or Territory.

2 Section 275 (definition of *registered migration agent*)

Omit “section 286”, substitute “Division 3”.

3 Section 275

Insert:

related by employment: see section 278.

restricted: a practising certificate held by an Australian legal practitioner is *restricted* if:

- (a) it is subject to a condition requiring the practitioner to undertake supervised legal practice for a specified period; and

- (b) such a condition was not imposed as a disciplinary measure by an authority responsible for disciplining Australian legal practitioners in a State or Territory.

Note: A practising certificate subject to a supervision condition of the kind mentioned in paragraph (a) is, however, taken to be *unrestricted* if the condition was imposed as a disciplinary measure as mentioned in paragraph (b) (see the definition of *unrestricted* in this section).

restricted legal practitioner means an Australian legal practitioner whose practising certificate is restricted (within the meaning of this Part).

4 Section 275 (paragraphs (a) and (b) of the definition of review authority)

Omit “the the”, substitute “the”.

5 Section 275

Insert:

unrestricted: a practising certificate held by an Australian legal practitioner is *unrestricted* if it is not restricted (within the meaning of this Part).

unrestricted legal practitioner means an Australian legal practitioner whose practising certificate is unrestricted (within the meaning of this Part).

6 Section 277

Repeal the section.

7 Before section 279

Insert:

278A Eligibility for restricted legal practitioners

Eligibility—general

- (1) A person who is a restricted legal practitioner is *eligible*, subject to this section.
- (2) The person remains *eligible* until the earliest of the following times:

- (a) the end of the eligible period, or of a longer period as extended under this section;
- (b) when the person becomes an unrestricted legal practitioner.

Note 1: A person may be *eligible* whether or not the person is a registered migration agent at the time of becoming a restricted legal practitioner.

Note 2: While a restricted legal practitioner is *eligible*, the practitioner may become, or continue to be, a registered migration agent (see sections 289B and 302A). However, to be registered as a migration agent, an eligible restricted legal practitioner must also satisfy the requirements of section 289A, including completing a prescribed course and passing a prescribed exam.

- (3) The *eligible period* is the period of 2 years after the person first held a restricted practising certificate.

Note: However, the *eligible period* for a person who was a restricted legal practitioner immediately before Division 8 commences (which is also when this section commences) is 2 years after that commencement: see section 333C.

Extension of eligible period

- (4) An eligible person may apply to the Migration Agents Registration Authority for an extension of the eligible period for a period of up to 2 years:
 - (a) in a form approved in writing by the Authority, containing such information relevant to the application as is required by the form; and
 - (b) if the application is made 3 months or more before the end of the eligible period.

Note: An eligible person may apply for an extension under this subsection whether or not the person is a registered migration agent at the time of the extension application.

- (5) A person may make no more than one application for extension under subsection (4).
- (6) On an application under subsection (4), the Authority must, by written notice given to the applicant no later than 28 days before the end of the eligible period:
 - (a) extend the eligible period by a stated period of no more than 2 years; or
 - (b) refuse to extend the eligible period.

- (7) The Authority may extend the eligible period by a particular period only if the Authority considers it reasonable to do so in the circumstances, including (but not limited to) any circumstances determined under subsection (9).
- (8) The notice of the decision must include any details determined under subsection (9) in relation to the decision.
- (9) The Minister may, by legislative instrument, make a determination for the purposes of subsection (7) or (8).

Review by Administrative Appeals Tribunal

- (10) Applications may be made to the Administrative Appeals Tribunal for review of a decision by the Authority:
 - (a) under paragraph (6)(a), to extend the eligible period by a particular stated period; or
 - (b) under paragraph (6)(b), to refuse to extend the eligible period.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires that people whose interests are affected by reviewable decisions of the Authority be given notice of their rights to seek review of the decisions.

8 Subsection 280(3)

Omit “a lawyer from giving immigration legal assistance”, substitute “an Australian legal practitioner from giving immigration assistance in connection with legal practice”.

9 Paragraphs 281(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) an Australian legal practitioner from asking for or receiving a fee or other reward for giving immigration assistance in connection with legal practice; or
- (b) a person from asking for or receiving a fee or other reward for the giving of immigration assistance by an Australian legal practitioner in connection with legal practice.

10 Subsections 282(1) and (2)

Omit “A person”, substitute “Subject to subsection (2A), a person”.

11 After subsection 282(2)

Insert:

(2A) This section does not prohibit:

- (a) an Australian legal practitioner from asking for or receiving a fee or other reward for making immigration representations in connection with legal practice; or
- (b) a person from asking for or receiving a fee or other reward for the making of immigration representations by an Australian legal practitioner in connection with legal practice.

12 Subsection 284(3)

Omit “a lawyer from advertising that he or she gives immigration legal assistance”, substitute “an Australian legal practitioner from advertising that the practitioner gives immigration assistance in connection with legal practice”.

13 Subsection 285(3)

Omit “a lawyer gives immigration legal assistance”, substitute “an Australian legal practitioner gives immigration assistance in connection with legal practice”.

14 Section 286

Repeal the section.

15 After section 289A

Insert:

289B Applications by Australian legal practitioners

- (1) An applicant who is an unrestricted legal practitioner must not be registered.
- (2) An applicant who is a restricted legal practitioner must not be registered unless the applicant is eligible.

Note 1: For when a person is *eligible*, see sections 278A and 333C.

Note 2: A registered migration agent must notify the Migration Agents Registration Authority within 28 days after becoming a restricted legal practitioner or an unrestricted legal practitioner (see section 312).

Note 3: The Authority must cancel the registration of an agent who is an unrestricted legal practitioner, or who is a restricted legal practitioner who is not eligible (see section 302A).

16 Section 299

Repeal the section, substitute:

299 Period of registration

- (1) Subject to any other provision of this Part (including subsection (2) of this section), the registration of a registered migration agent ends 12 months after the day of registration.
- (2) If the registration is suspended for a period, the period of the registration is extended by a period equal to the period of suspension.

17 After section 302

Insert:

302A Cancellation of registration—Australian legal practitioners

- (1) The Migration Agents Registration Authority must cancel the registration of a registered migration agent, by removing the agent's name from the Register, if the Authority is satisfied:
 - (a) that the agent is an unrestricted legal practitioner; or
 - (b) that the agent is a restricted legal practitioner who is not eligible.

Note 1: For when a person is eligible, see sections 278A and 333C.

Note 2: A registered migration agent must notify the Authority within 28 days after becoming a restricted legal practitioner or an unrestricted legal practitioner (see section 312).

Note 3: An unrestricted legal practitioner, or a restricted legal practitioner other than an eligible restricted legal practitioner, cannot be registered as a migration agent (see section 289B).

- (2) The Authority may cancel the registration of a registered migration agent under subsection (1) because of the status of the agent as an Australian legal practitioner only on the basis of a document authorised by a body authorised to grant practising certificates to Australian legal practitioners in the relevant State or Territory.

- (3) The Authority must give a registered migration agent written notice of a decision to cancel the agent's registration under subsection (1).
- (4) The notice must set out the reason for the decision.
- (5) The decision takes effect at the time the agent is given written notice of it.

Note: Section 332H sets out when the agent is taken to have been given the notice.

18 Subsection 305B(1)

Omit "(1)".

19 Subsection 305B(3)

Repeal the subsection.

20 Subsection 306AM(1)

Omit "(1)".

21 Subsection 306AM(3)

Repeal the subsection.

22 Section 306A (note)

Repeal the note, substitute:

Note: For when an agent becomes *inactive*, see section 306B.

23 After paragraph 306B(b)

Insert:

- (ba) if a person ceases to be a registered migration agent because the Migration Agents Registration Authority cancels the person's registration under section 302A, or because the person's registration ends under section 333B:
 - (i) the person becomes an *inactive migration agent* at the time of the cessation of the registration; and
 - (ii) the person remains an inactive migration agent until the end of the period of 2 years after the cessation, or until the person again becomes a registered migration agent, whichever happens first; and

Note 1: The Authority must cancel the registration of an agent who is an unrestricted legal practitioner, or that of an agent who is a restricted legal practitioner, but is not eligible (see section 302A).

Note 2: Section 333B provides that the registration of an unrestricted legal practitioner as a migration agent ends when Division 8 commences (which is also when this paragraph commences).

24 Section 306C

Repeal the section, substitute:

306C Definition of *client*

- (1) A *client* of a registered migration agent is a person to whom the agent has given, or has agreed to give (whether or not in writing), immigration assistance.
- (2) In addition:
 - (a) if a registered migration agent becomes an inactive migration agent, a client of the registered migration agent (while the agent was registered) remains a *client* of the inactive migration agent; and
 - (b) a person remains a *client* of a registered migration agent, or an inactive migration agent, even if the agent is deceased.

25 At the end of section 312

Add:

- (4) A registered migration agent must notify the Migration Agents Registration Authority in writing within 28 days after the agent becomes:
 - (a) a restricted legal practitioner; or
 - (b) an unrestricted legal practitioner.

Penalty: 100 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

26 Subsection 313(4)

Repeal the subsection.

27 Paragraph 316(1)(b)

Omit “and of lawyers in their provision of immigration legal assistance”.

28 Paragraph 316(1)(e)

Repeal the paragraph.

29 Section 319 (heading)

Repeal the heading, substitute:

319 Referral of conduct of certain migration agents to legal disciplinary authorities

30 Subsection 319(1)

Repeal the subsection, substitute:

Referral generally

- (1) The Migration Agents Registration Authority may refer the conduct of a registered migration agent, or a former registered migration agent, who is an Australian legal practitioner to an authority responsible for disciplining Australian legal practitioners in a State or Territory if:
 - (a) the legal practitioner was granted a practising certificate under the law of that State or Territory; and
 - (b) the conduct occurred while the legal practitioner was a registered migration agent, whether or not the conduct occurred in connection with legal practice.

31 Subsections 321A(4) and 332F(4)

Repeal the subsections.

32 At the end of Part 3

Add:

Division 8—Transitional arrangements for Australian legal practitioners

333 Definitions

In this Division:

amending Act means the *Migration Amendment (Regulation of Migration Agents) Act 2020*.

Division 8 commencement day means the day this Division commences.

Note: This Division was added by Schedule 1 to the *Migration Amendment (Regulation of Migration Agents) Act 2020*.

333A Restrictions on giving immigration assistance and making immigration representations

- (1) Despite the amendments of Division 2 made by Schedule 1 to the amending Act, that Division, as in force immediately before the Division 8 commencement day, continues to apply in relation to any conduct of a person occurring before that day.
- (2) Subsection (1) also applies in relation to any conduct of a person occurring on or after the Division 8 commencement day if the conduct is a part or continuation of, or is connected to, conduct of the person occurring before that day.

333B Registered migration agents who were unrestricted legal practitioners immediately before the Division 8 commencement day

Scope

- (1) This section applies in relation to a person who, immediately before the Division 8 commencement day, was both:
 - (a) a registered migration agent (even if, at that time, the person's registration was under suspension, or had been taken to continue under subsection 300(4)); and
 - (b) an unrestricted legal practitioner.

End of registration

- (2) The person's registration as a migration agent ends at the start of the Division 8 commencement day, by force of this section.

333C Persons who were restricted legal practitioners immediately before the Division 8 commencement day

Scope

- (1) This section applies in relation to a person who was a restricted legal practitioner immediately before the Division 8 commencement day (whether or not the person was a registered migration agent at that time).

Eligibility under section 278A

- (2) The person's *eligible period* for the purposes of section 278A is the period of 2 years after the Division 8 commencement day, despite subsection 278A(3).

Note: Subsection 278A(3) provides that generally the eligible period is the period of 2 years after the person first held a restricted practising certificate.

333D Registration applications made before the Division 8 commencement day

Scope

- (1) This section applies in relation to a person if, immediately before the Division 8 commencement day:
 - (a) the person had made a registration application (whether or not the person had previously been registered as a migration agent); and
 - (b) the Migration Agents Registration Authority had not made a decision in relation to the application.

Application of amendments to registration applications

- (2) The amendments of Division 3 made by Schedule 1 to the amending Act apply in relation to the registration application as if it had been made on or after the Division 8 commencement day.

Note: On and after the Division 8 commencement day, some Australian legal practitioners cannot be registered as migration agents (see section 289B).

- (3) If the person was an unrestricted legal practitioner immediately before the Division 8 commencement day, section 300 (automatic continuation of registration) does not apply on and after that day in relation to the registration application.

Note: If the registration had been taken to continue under subsection 300(4) before the Division 8 commencement day, the registration would end at the start of that day (see section 333B).

- (4) Despite section 291 (applicant must not be registered if registration refused in past year), if the person's registration application is refused because of section 289B (inserted by Schedule 1 to the amending Act), the refusal of the application does not prevent the person from being registered as a migration agent in accordance with a later registration application made at any time on or after the Division 8 commencement day.

333E Events required to be notified under s 312(4)

Subsection 312(4) (added by Schedule 1 to the amending Act) applies to require a registered migration agent to notify the Migration Agents Registration Authority that the agent has become a restricted or unrestricted legal practitioner if the agent becomes such a practitioner on or after the Division 8 commencement day.

Schedule 2—Registration periods

Part 1—Amendments

Migration Act 1958

1 Subsection 288(2)

Omit “(unless he or she has been registered at some time in the 12 months immediately before making the application)”, substitute “, unless the individual has been registered at some time within the period, immediately before making the application, that is prescribed for the purposes of this subsection”.

2 Section 289A

Repeal the section, substitute:

289A Applicant must not be registered if academic and vocational requirements are not satisfied

- (1) This section applies to an applicant:
 - (a) who has never been registered; or
 - (b) whose registration application is made after the end of a period, prescribed for the purposes of this paragraph, immediately after the end of the applicant’s most recent period of registration.
- (2) The applicant must not be registered unless the Migration Agents Registration Authority is satisfied that the applicant has:
 - (a) completed a course prescribed for the purposes of this paragraph; and
 - (b) passed an examination, prescribed for the purposes of this paragraph, within a prescribed period before the date of the registration application.

3 Section 290A

Repeal the section, substitute:

290A Applicant must not be registered if continuing professional development requirements are not satisfied

- (1) This section applies in relation to an applicant who has been registered at some time within the period, immediately before making the registration application, that is prescribed for the purposes of this subsection.
- (2) The applicant must not be registered if the Migration Agents Registration Authority is satisfied that the applicant has not met, within the period prescribed for the purposes of this subsection, the prescribed requirements for continuing professional development of registered migration agents.

Part 2—Application of amendments

4 Application of amendments made by Part 1

- (1) The amendments of the *Migration Act 1958* made by Part 1 of this Schedule apply in relation to a registration application made on or after the day this Schedule commences.
- (2) Despite the repeal of section 289A by Part 1 of this Schedule, regulations made for the purposes of paragraph 289A(c) of the *Migration Act 1958* in force immediately before this Schedule commences continue in force after that commencement as if they had been made for the purposes of paragraph 289A(2)(a) or (b) (as the case requires) of that Act as amended by Part 1 of this Schedule.

Schedule 3—Redundant provisions

Migration Act 1958

1 Section 275 (definitions of *high visa refusal rate* and *Institute*)

Repeal the definitions.

2 Section 275 (definition of *Migration Agents Registration Authority*)

Repeal the definition, substitute:

Migration Agents Registration Authority means the body mentioned in section 315.

Note: If a power or function is expressed to be given to the Migration Agents Registration Authority, it may only be exercised by the Minister, or by a delegate of the Minister under section 320 (see subsection 315(2)).

3 Subsection 279(1)

Omit “(1)”.

4 Subsection 279(2)

Repeal the subsection.

5 Section 292

Omit “, 306AG or 306AGAC”.

6 Paragraph 292A(a)

Omit “or 311L(1)”.

7 Subsection 303(1) (note 1)

Repeal the note.

8 Subsection 303(1) (note 2)

Omit “Note 2”, substitute “Note”.

9 Division 3AA of Part 3

Repeal the Division.

10 Paragraphs 306B(c) and (d)

Omit “, 306AG or 306AGAC”.

11 Subdivision A of Division 4A of Part 3 (heading)

Repeal the heading.

12 Subdivision B of Division 4A of Part 3

Repeal the Subdivision.

13 Section 315

Repeal the section, substitute:

315 Migration Agents Registration Authority—nature, powers and functions

- (1) The Migration Agents Registration Authority is the body established within the Department to administer this Part.
- (2) A power or function expressed under this Part to be given to the Migration Agents Registration Authority may only be exercised or performed by the Minister, or by a delegate of the Minister under section 320.

14 Subsection 316(2)

Repeal the subsection.

15 Section 319A

Repeal the section.

16 Subsection 320(1)

Repeal the subsection, substitute:

- (1) The Minister may delegate any of the powers or functions given to the Migration Agents Registration Authority under this Part to an APS employee in the Department.

Note: See section 315 (Migration Agents Registration Authority—nature, powers and functions).

17 Section 321

Repeal the section.

18 Sections 322 and 332B

Repeal the sections.

19 Subsection 332D(1)

Omit “or 311P”.

20 Subsection 332E(3)

Omit “The Institute, or an officer or employee of the Institute,”,
substitute “The Migration Institute of Australia Limited (ACN
003 409 390), or an officer or employee of that Institute.”.

21 At the end of subsection 332E(3)

Add:

Note: The Institute was appointed as the Migration Agents Registration Authority by instrument dated 21 March 1998, under section 315 as then in force. That instrument was revoked on 30 June 2009.

Schedule 4—Requirement for applicants to provide further information

Part 1—Amendments

Migration Act 1958

1 Section 288B

Repeal the section, substitute:

288B Requirement to provide further information etc.

Scope

- (1) This section applies in relation to an applicant who, on the day the registration application is taken to have been made, is not a registered migration agent.

Notice to provide further information etc.

- (2) The Migration Agents Registration Authority may, by written notice given to the applicant, require the applicant to provide information in relation to the application, that is stated in the notice, by doing either of the following:
 - (a) providing to the Authority, within a period prescribed for the purposes of this paragraph (or that period as extended under subsection (5)) and stated in the notice:
 - (i) a statutory declaration; and
 - (ii) any other specified documents;
 - (b) appearing before the Authority, at a time and place stated in the notice (or at another time or place fixed under subsection (5)), and providing such information, with any specified documents, at such an appearance.

Refusal of application if applicant does not comply with notice

- (3) The Authority may consider refusing the application if the applicant fails to comply with a requirement in the notice under subsection (2).

Note: If the Authority is considering refusing a registration application, it must invite the applicant to make a further submission in support of the application (see subsection 309(1)).

- (4) An applicant must not be registered if:
- (a) the applicant has failed to comply with a requirement of a notice under subsection (2):
 - (i) within the period to which paragraph (2)(a) applies; or
 - (ii) at the time to which paragraph (2)(b) applies; and
 - (b) the Authority has invited the applicant to make a further submission under subsection 309(1) in relation to the information required by the notice under subsection (2); and
 - (c) any of the following applies:
 - (i) the applicant fails to make such a further submission within a reasonable time after the invitation is given;
 - (ii) if the applicant is given an opportunity to appear before the Authority under paragraph 310(3)(b)—the applicant fails to appear before the Authority;
 - (iii) the Authority is not satisfied that the applicant has provided the information required by the notice under subsection (2) of this section after consideration of such a further submission, and (if the applicant is given an opportunity to appear before the Authority under paragraph 310(3)(b)) any information given by the applicant at such an appearance.

Other matters

- (5) The Authority may, by written notice given to the applicant:
- (a) upon a request of the applicant made within the period to which paragraph (2)(a) applies, extend the period; or
 - (b) upon a request of the applicant made before the time to which paragraph (2)(b) applies, fix a new time or place for the applicant to appear before the Authority.
- (6) A notice under subsection (2) must include a statement explaining the consequences under this section of failing to comply with the requirements of the notice.

Part 2—Application of amendments

2 Application of amendments made by Part 1

Despite the amendments of the *Migration Act 1958* made by Part 1 of this Schedule, section 288B of that Act as in force immediately before the commencement of this Schedule continues to apply in relation to a requirement made under subsection 288B(1) of that Act before that commencement.

Schedule 5—Fees and charges

Part 1—Amendments

Migration Act 1958

1 Paragraph 312(1)(ea)

Repeal the paragraph, substitute:

- (ea) if the agent paid the non-commercial application charge in relation to the agent's current period of registration—the agent begins to give immigration assistance otherwise than on a non-commercial basis during that period;

2 Subsection 312(3)

Repeal the subsection, substitute:

- (3) The following terms used in paragraph (1)(ea) have the same meaning as in the *Migration Agents Registration Application Charge Act 1997*:
 - (a) ***begins*** (in relation to immigration assistance given otherwise than on a non-commercial basis);
 - (b) ***non-commercial application charge***;
 - (c) ***non-commercial basis*** (in relation to the basis on which immigration assistance is given).

Part 2—Application of amendments

3 Application of amendments made by Part 1

The amendments of the *Migration Act 1958* made by Part 1 of this Schedule apply in relation to:

- (a) a current period of registration that started on or after the commencement of this Schedule; and
- (b) an event mentioned in paragraph 312(1)(ea) of that Act (as amended by Part 1 of this Schedule) occurring on or after the commencement of this Schedule.

Schedule 6—Other amendments

Part 1—Amendments

Migration Act 1958

1 After subsection 276(2A)

Insert:

- (2B) For the purposes of this Part, a person also gives ***immigration assistance*** if the person uses, or purports to use, knowledge of, or experience in, migration procedure to assist another person by:
- (a) preparing, or helping to prepare, a representation to the Minister to exercise the Minister’s power:
 - (i) under subsection 501C(4) to revoke a decision to refuse to grant, or to cancel, a visa (whether or not the decision relates to the other person); or
 - (ii) under subsection 501CA(4) to revoke a decision to cancel a visa (whether or not the decision relates to the other person); or
 - (b) advising the other person about making a representation mentioned in paragraph (a).

Note: Sections 501C and 501CA provide for the revocation of decisions to refuse or cancel visas on character grounds.

2 Subsection 276(3)

Omit “and (2A)”, substitute “, (2A) and (2B)”.

3 At the end of subsection 282(4)

Add:

- ; or (g) on behalf of a person who has made (or is proposing to make) a representation to the Minister to exercise a power under subsection 501C(4) to revoke a decision to refuse to grant, or to cancel, a visa (whether or not the decision relates to that person); or
- (h) on behalf of a person who has made (or is proposing to make) a representation to the Minister to exercise a power under subsection 501CA(4) to revoke a decision to cancel a visa (whether or not the decision relates to that person).

4 Subsection 289(4)

Repeal the subsection.

Part 2—Application of amendments

5 Application of amendments made by Part 1

- (1) The amendments of section 276 of the *Migration Act 1958* made by Part 1 of this Schedule apply in relation to immigration assistance (within the meaning of Part 3 of that Act as amended) if that assistance is given on or after the commencement of this Schedule.
- (2) The amendment of section 282 of the *Migration Act 1958* made by Part 1 of this Schedule applies in relation to making immigration representations (within the meaning of that section of that Act as amended) if those representations are made on or after the commencement of this Schedule.

*[Minister's second reading speech made in—
House of Representatives on 27 November 2019
Senate on 13 February 2020]*

(216/19)
