



Migration Agents Registration Application Charge Amendment (Rates of Charge) Act 2020

No. 72, 2020

***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 on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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

[Assented to 22 June 2020]

The Parliament of Australia enacts:

No. 72, 2020 *Migration Agents Registration Application Charge Amendment (Rates
of Charge) Act 2020* 1

1 Short title

This Act is the *Migration Agents Registration Application Charge Amendment (Rates of Charge) 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. Schedule 1	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.	15 October 2020 (F2020N00088)

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Amendments

Migration Agents Registration Application Charge Act 1997

1 Part 2 (heading)

Repeal the heading.

2 Section 3

Omit “In this Part, unless the contrary intention appears:”, substitute “In this Act:”.

3 Section 3

Insert:

begins: a registered migration agent ***begins*** to give immigration assistance otherwise than on a non-commercial basis on a day worked out in accordance with regulations made for the purposes of this definition.

general charge means an amount of charge imposed by Part 2 that is prescribed by regulation, for the purposes of section 6, as the general charge.

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

non-commercial application charge means an amount of charge imposed by Part 2 that is prescribed by regulation, for the purposes of section 6, as the non-commercial application charge.

non-commercial basis: a registered migration agent gives immigration assistance on a ***non-commercial basis*** if the assistance is given solely:

- (a) on a non-commercial or non-profit basis; and
- (b) as a member of, or a person associated with, an organisation that operates in Australia solely:
 - (i) on a non-commercial or non-profit basis; and

Schedule 1 Rates of charge

Part 1 Amendments

- (ii) as a charity, or for the benefit of the Australian community.

Note: *Charity* has the meaning given by Part 2 of the *Charities Act 2013* (see section 2B of the *Acts Interpretation Act 1901*).

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

4 After section 3

Insert:

Part 2—Imposition of charge on registration applications

5 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Imposition of charge on basis of status of migration agent

6 Sections 9 and 10

Repeal the sections, substitute:

10 Imposition of charge

Charge is imposed in respect of a registered migration agent:

- (a) who paid the non-commercial application charge in relation to the agent's current period of registration; and
- (b) who, during that period, begins to give immigration assistance otherwise than on a non-commercial basis.

7 Subsection 12(1)

Repeal the subsection, substitute:

Amount of charge

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

$$\left(\text{Notional general charge} \times \frac{\text{Number of days in the remaining period}}{365} \right) - \left(\text{Paid non-commercial application charge} \times \frac{\text{Number of days in the remaining period}}{365} \right)$$

where:

notional general charge means the amount of general charge that would have been payable by the agent in relation to the agent's current period of registration if the non-commercial application charge had not been payable by the agent in relation to that period.

paid non-commercial application charge means the amount of non-commercial application charge paid by the agent in relation to the agent's current period of registration.

remaining period means the period that:

- (a) starts on the first day in the agent's current period of the registration on which the agent begins to give immigration assistance otherwise than on a non-commercial basis; and
- (b) ends on the last day of the agent's current period of registration.

Part 2—Application of amendments

8 Application of amendments

The amendments of the *Migration Agents Registration Application Charge Act 1997* made by Part 1 of this Schedule apply in relation to the imposition of charge under Part 3 of that Act (as amended by Part 1 of this Schedule) in respect of a registered migration agent's current period of registration resulting from a registration application 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]

(217/19)
