

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

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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:

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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

 (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:



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)