



Migration (Visa Pre-application Process) Charge Act 2023

No. 85, 2023

**An Act to impose a charge on the registration of a
person as a registered participant in a visa
pre-application process, 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 impose a charge on the registration of a
person as a registered participant in a visa
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[Assented to 26 October 2023]

The Parliament of Australia enacts:

No. 85, 2023 Migration (Visa Pre_x001e_application Process) Charge Act 2023 1

Part 1—Preliminary

1 Short title

This Act is the *Migration (Visa Pre-application Process) Charge Act 2023*.

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. The whole of this Act	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of the <i>Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Act 2023</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	29 March 2024 (paragraph (b) applies)

Note: This table relates only to the provisions of this Act as originally enacted.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 Act to extend to external Territories

Section 7 of the *Migration Act 1958* applies to this Act in a corresponding way to the way in which it applies to that Act.

4 Extra-territorial application

This Act extends to acts, omissions, matters and things outside Australia.

5 Definitions

In this Act:

charge means charge imposed by this Act.

Part 2—Imposition and amount of charge

6 Imposition of charge

Charge is imposed on the registration of a person as a registered participant in a visa pre-application process under subsection 46C(1) of the *Migration Act 1958*.

7 By whom charge payable

Charge imposed on the registration of a person as a registered participant in a visa pre-application process is payable by the person.

8 Amount of charge

- (1) The amount of charge imposed on the registration of a person as a registered participant in a visa pre-application process is the amount prescribed by the regulations.
- (2) The regulations may prescribe different amounts in relation to:
 - (a) different visa pre-application processes; or
 - (b) different classes of visa pre-application processes.
- (3) The regulations may prescribe different amounts in relation to different classes of persons.
- (4) Subsections (2) and (3) of this section do not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.
- (5) The amount prescribed by the regulations in relation to a visa pre-application process may be nil.

9 Charge cap amount

The amount of charge imposed on the registration of a person as a registered participant in a visa pre-application process must not exceed \$100 (subject to indexation under section 10).

10 Indexation of charge cap amount

- (1) The dollar amount specified in section 9 is a **charge cap amount**.
- (2) On each 1 July after the financial year in which this Act commences (an **indexation day**), the charge cap amount is replaced by an amount worked out using the following formula:

$$\frac{\text{Indexation factor for the indexation day}}{\text{Charge cap amount immediately before the indexation day}} \times$$

- (3) The **indexation factor** for an indexation day is the number worked out using the following formula:

$$\frac{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 December before the indexation day}}{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on the previous 31 December}}$$

where:

CPI quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

index number means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

- (4) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (5) An indexation factor that is less than 1 is to be increased to 1.
- (6) Amounts worked out under subsection (2) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (7) Calculations under subsection (3):
- (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers

Part 2 Imposition and amount of charge

Section 10

(except where the substituted numbers are published to take account of changes in the index reference period).

Part 3—Regulations

11 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*[Minister's second reading speech made in—
House of Representatives on 16 February 2023
Senate on 9 March 2023]*

(9/23)
