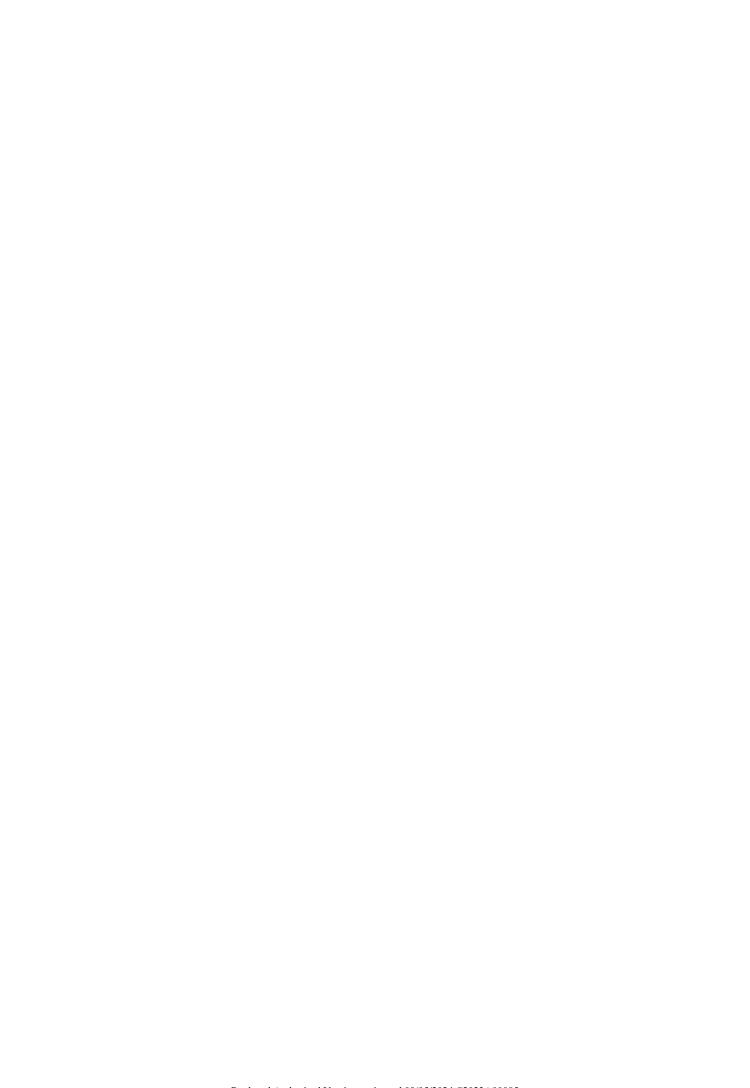


Migration (Visa Pre-application Process) Charge Act 2023

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/)

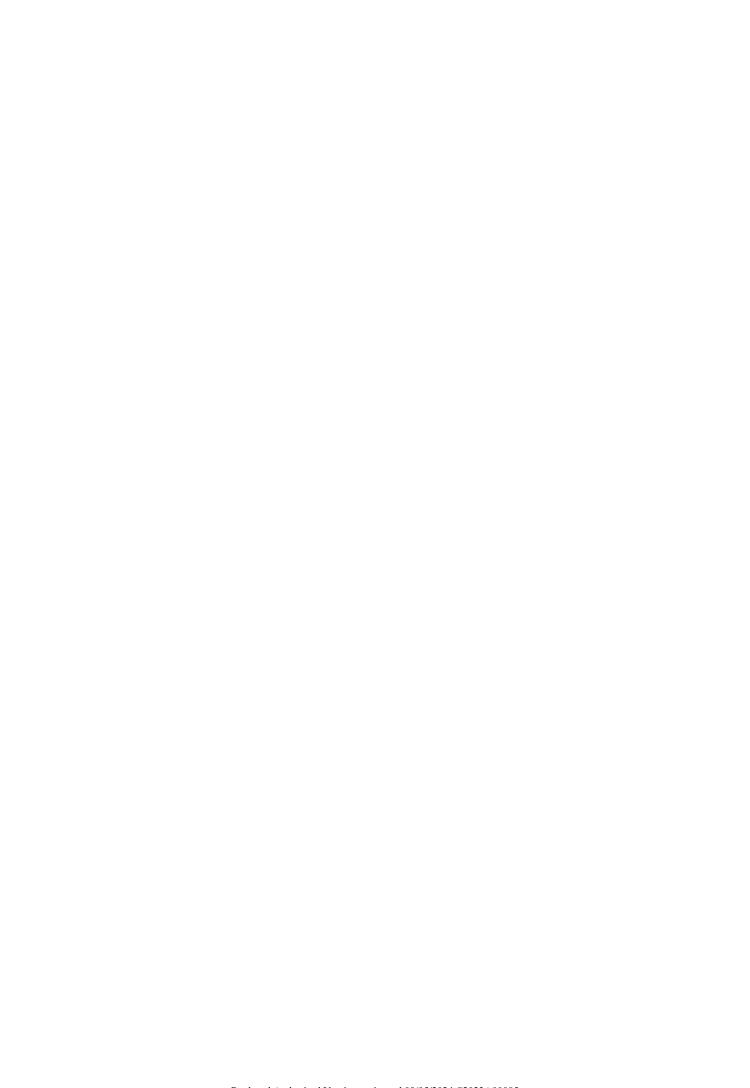


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Replaced Authorised Version registered 09/05/2024 C2023A00085





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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

[Assented to 26 October 2023]

The Parliament of Australia enacts:

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 Date/Details				
Provisions	Commencement					
1. The whole of	The later of:	29 March 2024				
this Act	(a) the start of the day after this Act receives the Royal Assent; and	(paragraph (b) applies)				
	(b) immediately after the commencement of the Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Act 2023.					
	However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.					
Note:	This table relates only to the provisions of this Act as originally enacted.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:

Indexation factor for the indexation day × Charge cap amount immediately before the indexation day

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

Sum of the index numbers for the CPI quarters for the 12 months ending on 31 December before the indexation day

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
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(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)

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