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# Migration Amendment Regulations 2000 (No. 1)

6

Statutory Rules 2000 No. 1

284

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 1 2000

25 October

1  
 Governor-General WILLIAM DEANE

By His Excellency's Command

PHILIP RUDDOCK  
 Minister for Immigration and Multicultural Affairs

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**1 Name of Regulations**

These Regulations are the *Migration Amendment Regulations 2000 (No. 5)*.

6

**2 Commencement**

These Regulations commence as follows:

- (a) on 31 October 2000 — regulations 1 to 3 and Schedule 1;
- (b) on 1 November 2000 — regulations 4 and 5 and Schedule 2.

**3 Amendment of *Migration Amendment Regulations 2000 (No. 5)***

Schedule 1 amends the *Migration Amendment Regulations 2000 (No. 5)*.

**4 Amendment of *Migration Regulations 1994***

Schedule 2 amends the *Migration Regulations 1994*.

**5 Application of amendments in Schedule 2**

- (1) The amendment made by item [1] in Schedule 2 applies in relation to:
  - (a) a visa that is in effect on or after 1 November 2000; and
  - (b) an application for a visa that is made on or after 1 November 2000.
- (2) The amendment made by item [2] in Schedule 2 applies in relation to a visa that is in effect on or after 1 November 2000.
- (3) The amendment made by item [3] in Schedule 2 applies in relation to an application for a visa that is made on or after 1 November 2000.

**Schedule 1 Amendment of *Migration Amendment Regulations 2000 (No. 5)***  
(regulation 3)**[1] Before subregulation 6 (1)***insert*

- (1A) The amendments of the *Migration Regulations 1994* made by items [4102], [4115], [4319] to [4326], [4401] and [4501] to [4504] apply in relation to an application for a visa:
  - (a) made on or after 1 November 2000; or
  - (b) made, but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*), before 1 November 2000.

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## Schedule 2      **Amendments of *Migration Regulations 1994***

(regulation 4)

**[1]      Regulation 1.03, after definition of *prohibited non-citizen***

*insert*

*proliferation of weapons of mass destruction* includes directly or indirectly assisting in the development, production, trafficking, acquisition or stockpiling of:

- (a) weapons that may be capable of causing mass destruction; or
- (b) missiles or other devices that may be capable of delivering such weapons.

**[2]      Paragraph 2.43 (1) (a)**

*substitute*

- (a) that the Foreign Minister has personally determined that the holder of the visa is a person whose presence in Australia:
  - (i) is, or would be, prejudicial to relations between Australia and a foreign country; or
  - (ii) may be directly or indirectly associated with the proliferation of weapons of mass destruction;

**[3]      Schedule 4, item 4003**

*substitute*

4003      The applicant is not determined by the Foreign Minister, or a person authorised by the Foreign Minister, to be a person whose presence in Australia:

- (a) is, or would be, prejudicial to relations between Australia and a foreign country; or

- 
- (b) may be directly or indirectly associated with the proliferation of weapons of mass destruction.

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**Notes**

1. These Regulations amend (in Schedule 1) Statutory Rules 2000 No. 259.

These Regulations also amend (in Schedule 2) Statutory Rules 1994 No. 268, as amended by 1994 Nos. 280, 322, 376 and 452; 1995 Nos. 3, 38, 117, 134, 268, 302 and 411; 1996 Nos. 12, 75 (regulations 7 and 8 were disallowed by the Senate on 11 September 1996), 76, 108, 121, 135, 198, 211 (regulations 4, 10, 11, 13.3, 14-37, 47-49, 51, 53-55, 74, 77.16, 77.19, 78, 85, 119 and 114 were disallowed by the Senate on 7 November 1996) and 276; 1997 Nos. 17, 64, 91, 92, 109, 137, 184, 185, 216, 263, 279, 288, 301 and 354; 1998 Nos. 36, 37, 104 (regulation 15 was disallowed by the Senate on 2 July 1998), 139, 210, 214, 284, 285 (disallowed by the Senate on 31 March 1999), 304, 305, 306 and 322; 1999 Nos. 8, 58, 64, 68 (as amended by 1999 Nos. 81 and 132), 76 (as amended by 1999 Nos. 81 and 132), 81 (as amended by 1999 No. 132), 82, 132, 155, 198, 220 (as amended by 1999 Nos. 259 and 321), 243, 259 (as amended by 2000 No. 259), 260 (as amended by 1999 No. 321), 321 and 325; 2000 Nos. 52, 62, 108, 192 and 259.

2. Notified in the *Commonwealth of Australia Gazette* on / 2000. 26 October