



Migration (Skilling Australians Fund) Charges Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 August 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Alan Tudge
Minister for Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration (Skilling Australians Fund) Charges Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument 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 instrument | At the same time as section 3 of the <i>Migration (Skilling Australians Fund) Charges Act 2018</i> commences. However, the provisions do not commence at all if that section does not commence. | 12 August 2018 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration (Skilling Australians Fund) Charges Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Migration Act;
- (b) nomination;
- (c) nomination training contribution charge.

In this instrument:

Act means the *Migration (Skilling Australians Fund) Charges Act 2018*.

annual turnover, for a nomination, means:

- (a) if the person liable to pay nomination training contribution charge in relation to the nomination operates a business in Australia—the total ordinary income (within the meaning of the *Income Tax Assessment Act 1997*) the person derived in the most recent income year (within the meaning of that Act) ending before the nomination day; or
- (b) in any other case—the total income the person liable to pay nomination training contribution charge in relation to the nomination derived in the

ordinary course of business in the most recent financial year ending before the nomination day.

Migration Regulations means the *Migration Regulations 1994*.

nomination day, in relation to a nomination, means the day on which:

- (a) the nomination is made under section 140GB of the Migration Act; or
- (b) the application for approval of the nomination is made under regulation 5.19 of the Migration Regulations.

5 Amount of nomination training contribution charge—Subclasses 457 and 482

- (1) For the purposes of subsection 8(1) of the Act, this section sets out the amount of nomination training contribution charge payable in relation to a nomination of a kind mentioned in subsection 140ZM(1) of the Migration Act.

Note: Nominations of a kind mentioned in subsection 140ZM(1) of the Migration Act relate to temporary visas: see regulation 5.42 of the Migration Regulations.

- (2) Unless subsection (3) applies, the amount of nomination training contribution charge is the amount worked out using the formula:

Base amount × Visa period

where:

base amount is:

- (a) if the annual turnover for the nomination is less than \$10,000,000—\$1,200; or
- (b) in any other case—\$1,800.

visa period is the number of years in the period of stay proposed in the nomination.

Note: The proposed period of stay may be 1, 2, 3 or 4 years: see subregulation 2.73(10) of the Migration Regulations.

- (3) The amount of nomination training contribution charge is nil if:
 - (a) the nomination is of an occupation for a Subclass 482 (Temporary Skill Shortage) visa in the Labour Agreement stream; and
 - (b) the occupation is minister of religion or religious assistant.

6 Amount of nomination training contribution charge—Subclasses 186 and 187

- (1) For the purposes of subsection 8(1) of the Act, this section sets out the amount of nomination training contribution charge payable in relation to a nomination of a kind mentioned in subsection 140ZM(2) of the Migration Act.

Note: Nominations of a kind mentioned in subsection 140ZM(2) of the Migration Act relate to permanent visas: see regulation 5.42 of the Migration Regulations.

- (2) Unless subsection (3) applies, the amount of nomination training contribution charge is:

- (a) if the annual turnover for the nomination is less than \$10,000,000—\$3,000; or

- (b) in any other case—\$5,000.
- (3) The amount of nomination training contribution charge is nil if:
 - (a) the nomination relates to a Subclass 186 (Employer Nomination Scheme) visa in the Labour Agreement stream; and
 - (b) the application for approval of the nomination identifies the occupation of minister of religion or religious assistant.