



Migration (Skilling Australians Fund) Charges Amendment (Subclass 494 Visa) Regulations 2019

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 04 April 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

David Coleman
Minister for Immigration, Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration (Skilling Australians Fund) Charges Amendment (Subclass 494 Visa) Regulations 2019*.

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	16 November 2019.	16 November 2019

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration (Skilling Australians Fund) Charges Regulations 2018

1 Subsection 5(1)

Repeal the subsection (not including the note), substitute:

- (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, of a proposed occupation in relation to any of the following:
 - (a) a holder of a Subclass 457 (Temporary Work (Skilled)) visa;
 - (b) a holder of a Subclass 482 (Temporary Skill Shortage) visa;
 - (c) an applicant or a proposed applicant for a Subclass 482 (Temporary Skill Shortage) visa.

2 Paragraph 5(3)(a)

Omit “of an occupation”.

3 Paragraph 5(3)(b)

Before “occupation”, insert “proposed”.

4 After section 5

Insert:

5A Amount of nomination training contribution charge—Subclass 494

- (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, of a proposed occupation in relation to either of the following:
 - (a) a holder of a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa;
 - (b) an applicant or a proposed applicant for a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa.

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) If paragraph (1)(a) applies, and subsection (4) does not apply, the amount of nomination training contribution charge is the amount worked out using the formula:

$$\text{Base amount} \times \frac{5 - \text{Elapsed years in visa period}}{5}$$

where:

base amount 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.

elapsed years in visa period is the number of whole years in the period:

- (a) starting on the date of grant of the visa mentioned in paragraph (1)(a); and
- (b) ending on the nomination day in relation to the nomination.

- (3) If paragraph (1)(b) applies, and subsection (4) does not apply, 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.
- (4) The amount of nomination training contribution charge is nil if:
 - (a) the nomination is for a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa in the Labour Agreement stream; and
 - (b) the proposed occupation is minister of religion or religious assistant.