

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

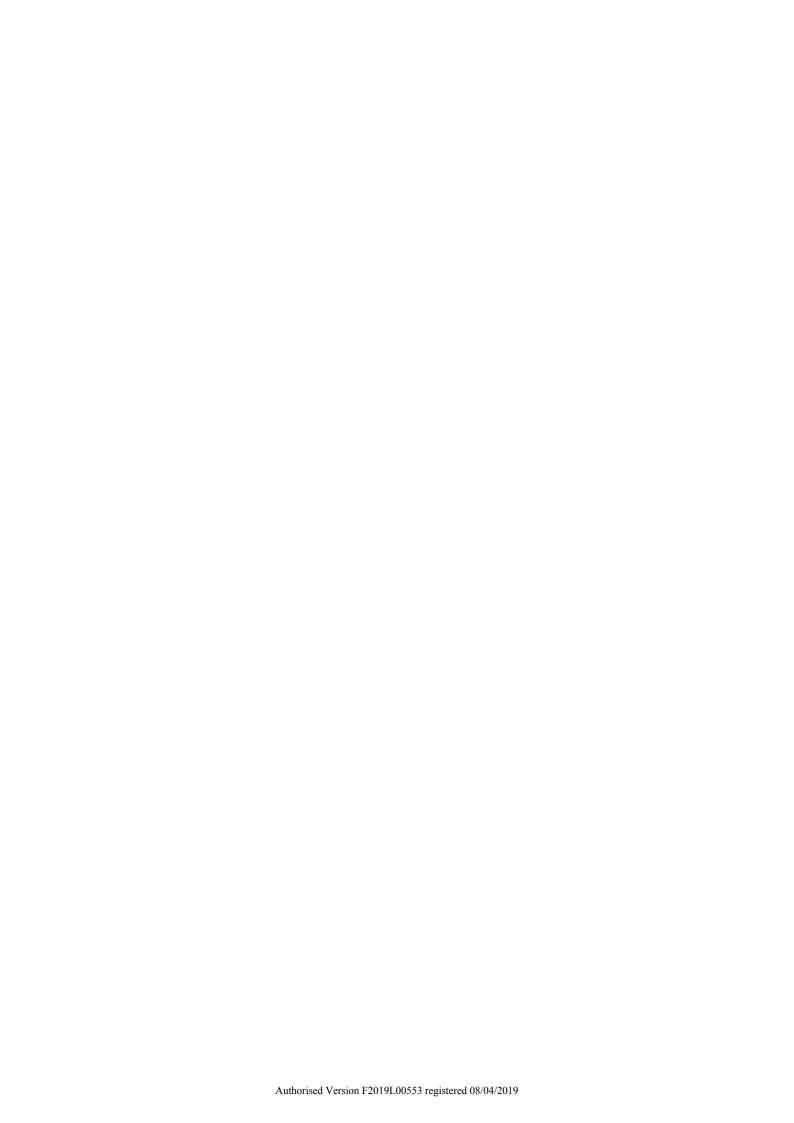
I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

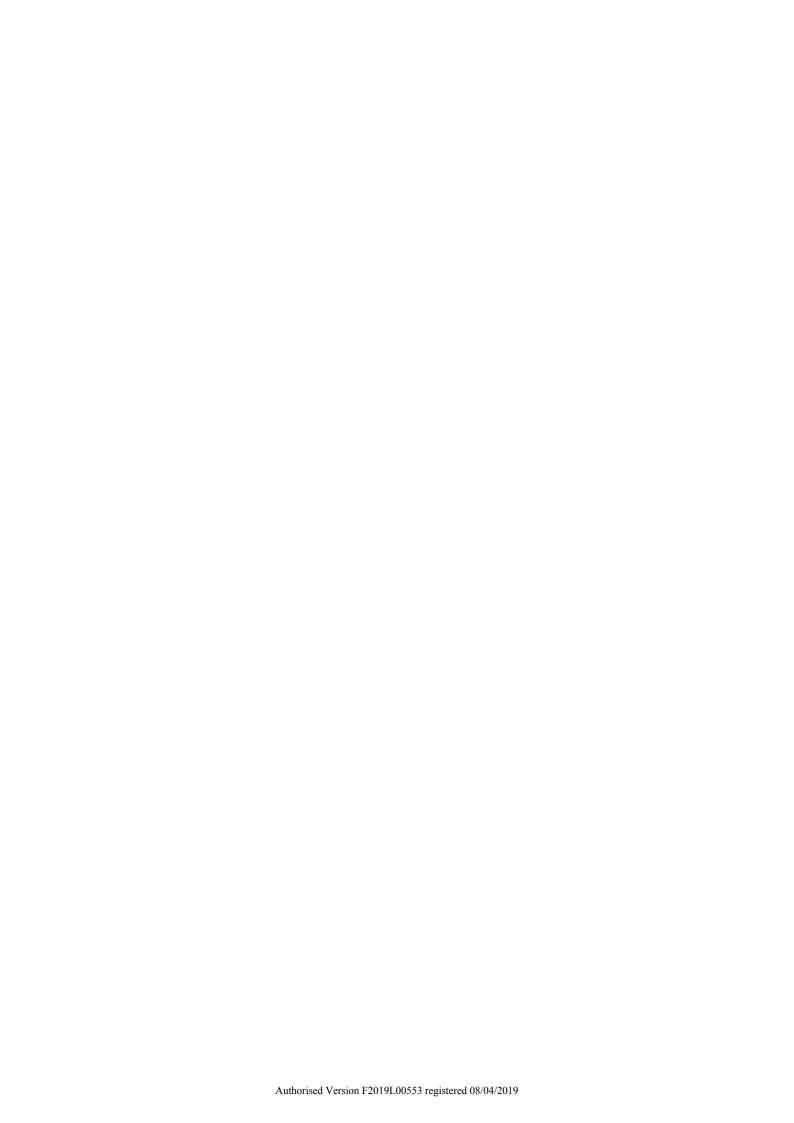
Peter Cosgrove Governor-General

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 Date/Details		
Provisions	Commencement			
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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

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.