

Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 August 2020

David Hurley

Governor‑General

By His Excellency’s Command

Jason Wood

Assistant Minister for Customs, Community Safety and Multicultural Affairs
Parliamentary Secretary to the Minister for Home Affairs

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1 Name

 This instrument is the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. | 8 August 2020 |
| 2. Schedule 1 | Immediately after the commencement of Schedule 1 to the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Act 2020*. | 15 October 2020(F2020N00088) |

Note: This table relates only to the provisions of this instrument as originally made.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 Agents Registration Application Charge Act 1997.*

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Agents Registration Application Charge Regulations 1998

1 Subregulation 3(1)

Omit “(1) In these Regulations”, substitute “In these Regulations”.

2 Subregulation 3(1)

Insert:

***repeat registration*** has the same meaning as in the *Migration Agents Regulations 1988*.

3 Subregulation 3(2)

Repeal the subregulation.

4 Part 2 (heading)

Repeal the heading, substitute:

Part 2—General charge and non‑commercial application charge

5 Regulation 4 (heading)

Repeal the heading, substitute:

4 Amount of general charge

6 Subregulation 4(2)

Omit “Act:”, substitute “Act, the amount of general charge payable is as follows:”.

7 Paragraph 4(2)(a)

Omit “charge”, substitute “general charge”.

8 Paragraph 4(2)(a)

Omit “and”.

9 Paragraph 4(2)(b)

Omit “charge”, substitute “general charge”.

10 Regulation 5 (heading)

Repeal the heading, substitute:

5 Amount of non‑commercial application charge

11 Subregulation 5(1)

Repeal the subregulation, substitute:

 (1) This regulation applies to an individual who intends to provide immigration assistance on a non‑commercial basis.

12 Subregulation 5(2)

Omit “Act:”, substitute “Act, the amount of non‑commercial application charge payable is as follows:”.

13 Paragraph 5(2)(a)

Omit “charge”, substitute “non‑commercial application charge”.

14 Paragraph 5(2)(a)

Omit “and”.

15 Paragraph 5(2)(b)

Omit “charge”, substitute “non‑commercial application charge”.

16 After regulation 5

Insert:

Part 2A—Charge on basis of status of migration agent

17 Regulation 6

Repeal the regulation, substitute:

6 Working out amount of charge

 For the purposes of the definition of ***begins*** in section 3 of the Act, and paragraph (a) of the definition of ***remaining period*** in subsection 12(1) of the Act, the first day in the current period of a registered migration agent’s registration on which the agent begins to give immigration assistance otherwise than on a non‑commercial basis is the earliest of the following days:

 (a) the first day in the period on which the agent gives a client an estimate of fees before starting work on behalf of the client;

 (b) the first day in the period on which the agent charges a client a fee for services provided;

 (c) the first day in the period on which the agent is (or becomes) a person associated with, or a member of, an organisation that gives immigration assistance on a commercial, or for‑profit, basis;

 (d) the first day in the period on which the agent is not (or is no longer) a member of, or a person associated with, an organisation that operates in Australia solely:

 (i) on a non‑commercial or non‑profit basis; and

 (ii) as a charity, or for the benefit of the Australian community.

Note: ***Charity*** has the meaning given by Part 2 of the *Charities Act 2013* (see section 2B of the *Acts Interpretation Act 1901*).

18 In the appropriate position in Part 3

Insert:

8 Amendments made by the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020*

 The amendments of these Regulations made by Schedule 1 to the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020* apply in relation to:

 (a) an amount of general charge or non‑commercial application charge in respect of a registration application made on or after the commencement of this regulation; and

 (b) an amount of charge imposed under section 10 of the Act (on the basis of the status of a migration agent) in respect of a registered migration agent’s current period of registration resulting from a registration application made on or after the commencement of this regulation.