



# Migration Amendment (Infringement Notices) Regulations 2024

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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 20 June 2024

David Hurley  
Governor-General

By His Excellency's Command

Andrew Giles  
Minister for Immigration, Citizenship and Multicultural Affairs

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## 1 Name

This instrument is the *Migration Amendment (Infringement Notices) Regulations 2024*.

## 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 | 1 July 2024. | 1 July 2024  |

Note: This table relates only to the provisions of this instrument as originally made.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 Act 1958*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Migration Regulations 1994*

#### **1 Regulation 5.20A**

Repeal the regulation, substitute:

##### **5.20A Civil penalty provisions**

- (1) This regulation is made for the purposes of subsection 506A(1) of the Act.
- (2) If:
  - (a) a person is alleged to have contravened subsection 140Q(1) of the Act; and
  - (b) the person is an approved work sponsor;the person may pay the following penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person:
  - (c) in case of a natural person—48 penalty units;
  - (d) in case of a body corporate—240 penalty units.
- (3) If:
  - (a) a person is alleged to have contravened subsection 140Q(1) of the Act; and
  - (b) the person is an approved family sponsor;the person may pay the following penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person:
  - (c) in case of a natural person—12 penalty units;
  - (d) in case of a body corporate—60 penalty units.
- (4) A person who is alleged to have contravened any of the following provisions of the Act may pay the penalty specified in subregulation (5) to the Commonwealth as an alternative to proceedings for a civil penalty order against the person:
  - (a) subsection 140Q(2);
  - (b) subsection 245AAA(4);
  - (c) subsection 245AAB(4);
  - (d) subsection 245AAC(4);
  - (e) subsection 245AB(5);
  - (f) subsection 245AC(5);
  - (g) subsection 245AE(5);
  - (h) subsection 245AEA(5);
  - (i) subsection 245AR(5);
  - (j) subsection 245AS(1);
  - (k) subsection 245AYL(4).
- (5) For the purposes of subregulation (4), the penalty is:
  - (a) in case of a natural person—48 penalty units; or
  - (b) in case of a body corporate—240 penalty units.
- (6) A person who is alleged to have contravened subsection 140XE(3) or 140XF(3) of the Act may pay the following penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person:

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- (a) in case of a natural person—12 penalty units;
  - (b) in case of a body corporate—60 penalty units.

(7) A person who is alleged to have contravened subsection 140RB(5), 245AYN(3) or 245AYP(5) of the Act may pay the following penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person:

- (a) in case of a natural person—9 penalty units;
- (b) in case of a body corporate—45 penalty units.

**2 Regulation 5.21 (after paragraph (b) of the definition of *civil penalty provision*)**

Insert:

- (ba) subsection 140RB(5);

**3 Regulation 5.21 (after paragraph (d) of the definition of *civil penalty provision*)**

Insert:

- (da) subsection 245AAA(4);
- (db) subsection 245AAB(4);
- (dc) subsection 245AAC(4);

**4 Regulation 5.21 (paragraph (i) of the definition of *civil penalty provision*)**

Omit “245AR(1)”, substitute “245AR(5)”.

**5 Regulation 5.21 (at the end of the definition of *civil penalty provision*)**

Add:

- ; (k) subsection 245AYL(4);
- (l) subsection 245AYN(3);
- (m) subsection 245AYP(5).

**6 Regulation 5.21 (after paragraph (b) of the definition of *sponsorship-related civil penalty provision*)**

Insert:

- (ba) subsection 140RB(5);

**7 Regulation 5.21 (before paragraph (a) of the definition of *work-related civil penalty provision*)**

Insert:

- (aa) subsection 245AAA(4);
- (ab) subsection 245AAB(4);
- (ac) subsection 245AAC(4);

**8 Regulation 5.21 (at the end of the definition of *work-related civil penalty provision*)**

Add:

- ; (e) subsection 245AYL(4);
- (f) subsection 245AYN(3);
- (g) subsection 245AYP(5).

**9 Subregulations 5.23(3) and (4)**

Omit “245AR(1)”, substitute “245AR(5)”.