



Migration (Health Services) Charge Act 1991

No. 197 of 1991

**An Act to impose on persons a charge on the granting of
certain visas and entry permits**

[Assented to 18 December 1991]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Migration (Health Services) Charge Act 1991*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. In this Act, unless the contrary intention appears:
“charge” means an amount payable under section 6;
“entry permit” has the same meaning as in the *Migration Act 1958*;

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“**index number**” means, in relation to a quarter, the All Group Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter;

“**relevant year**” means the period of 12 months commencing on 21 August 1992, and each subsequent period of 12 months;

“**visa**” has the same meaning as in the *Migration Act 1958*.

Act to extend to certain Territories

4. This Act extends to:

- (a) the Coral Sea Islands Territory; and
- (b) the Territory of Cocos (Keeling) Islands; and
- (c) the Territory of Christmas Island;

and, for the purposes of this Act, those Territories are taken to be part of Australia.

Imposition of charge

5.(1) Charge is payable if a person has applied on or after 21 August 1991 for a visa or entry permit, and:

- (a) if the visa or entry permit has been granted before the commencement of this Act—regulations made under paragraph 181(1)(h) of the *Migration Act 1958* required that an assurance of support be given in relation to the applicant in respect of the applicant seeking to enter, or remain in, Australia; or
- (b) in any other case:
 - (i) regulations made under paragraph 181(1)(h) of the *Migration Act 1958* require that an assurance of support be given in relation to the applicant in respect of the applicant seeking to enter, or remain in, Australia; and
 - (ii) the Minister has given the applicant a notice including a statement of a kind mentioned in paragraph 24(3)(aa) of that Act or a notice under paragraph 34(3)(a) of that Act; and
 - (iii) the applicant would, apart from subsection 24(3B) or 34(3B) of that Act, be granted the visa or entry permit.

(2) For the purposes of subsection (1), regulations are not taken to have required, or to require, that an assurance of support be given if they only require an assurance to be given in cases where the Minister so decides.

(3) The charge is payable by:

- (a) the applicant; or
- (b) any person who gives an assurance of support of the kind mentioned in subsection (1).

Amount of charge

6.(1) Subject to this section, the amount of the charge payable is \$822.

(2) If the factor ascertained under subsection (3) in relation to a relevant year is greater than one, this Act has effect as if for the amount of the charge there were substituted, on the first day of that relevant year, an amount calculated by:

(a) multiplying by that factor:

(i) if subparagraph (ii) does not apply—\$822; or

(ii) if, because of any other application of this section, this Act has effect as if another amount were substituted for the amount of the charge—the substituted amount; and

(b) if the product of that multiplication is an amount of dollars and cents—rounding the product to the nearest dollar (rounding 50 cents upwards).

(3) The factor for a relevant year is the number (calculated to 3 decimal places) worked out by dividing the index number for the March quarter immediately preceding that relevant year by the index number for the March quarter immediately preceding that first-mentioned March quarter.

(4) If the factor worked out under subsection (3) in relation to a relevant year would, if it were calculated to 4 decimal places, end with a number greater than 4, the factor worked out under that subsection in relation to that relevant year is taken to be the factor calculated to 3 decimal places under that subsection and increased by 0.001.

(5) Subject to subsection (6), if at any time, whether before or after the commencement of this Act, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by the Australian Statistician in respect of that quarter, the publication of the later index number is to be disregarded for the purposes of this section.

(6) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change, regard is to be had only to the index numbers published in terms of the new reference base.

Exemptions from charge

7.(1) A person is exempt from payment of the charge in relation to an entry permit if:

(a) the person has been granted a visa under section 24 of the *Migration Act 1958*; and

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(b) the entry permit is of the same class as the visa and is granted on the basis of the person holding the visa.

(2) A person who has applied for a visa or an entry permit is exempt from payment of the charge if the person withdraws the application.

[*Minister's second reading speech made in—
House of Representatives on 7 November 1991
Senate on 26 November 1991*]