

**Immigration (Education) Charge Act 1992**

**No. 177 of 1992**

**An Act to impose a charge on applications for certain visas and entry permits by certain persons needing instruction in the English language**

[*Assented to 16 December 1992*]

The Parliament of Australia enacts:

**Short title**

**1.** This Act may be cited as the *Immigration (Education) Charge Act 1992.*

**Commencement**

**2.** This Act commences on 1 March 1993.

**Interpretation**

**3.(1)** In this Act, unless the contrary intention appears, an expression defined for the purposes of the *Migration Act 1958* has the same meaning as in that Act.

**(2)** In this Act, unless the contrary intention appears:

**“English Education Charge”** means the charge imposed by section 5;

**“exempt entry permit”** means:

(a) an entry permit, a criterion for the grant of which is that the Minister is satisfied that:

(i) permanent settlement in Australia is the appropriate course for the applicant; and

(ii) such settlement would not be contrary to the interests of Australia; or

(b) an entry permit applied for by a person on the ground that he or she is the spouse, dependent child or aged parent of:

(i) an Australian citizen; or

(ii) a permanent resident; or

(c) an entry permit prescribed for the purposes of this definition;

**“exempt visa”** means:

(a) a visa, a criterion for the grant of which is that the Minister is satisfied that:

(i) permanent settlement in Australia is the appropriate course for the applicant; and

(ii) such settlement would not be contrary to the interests of Australia; or

(b) a visa applied for by a person on the ground that he or she is the spouse, dependent child or aged parent of:

(i) an Australian citizen; or

(ii) a permanent resident; or

(c) a visa prescribed for the purposes of this definition;

**“permanent resident”** means a person who is usually resident in Australia and whose continued lawful presence in Australia is not subject to a limitation as to time imposed by law;

**“stay visa”** means:

1. a permanent entry permit; or
2. a visa that enables a person, after having entered Australia in accordance with the visa, to remain permanently in Australia.

**Act to extend to certain Territories**

**4.** This Act extends to the Territories to which the *Migration Act 1958* extends.

**Imposition of English Education Charge**

**5.** English Education Charge is imposed in respect of an application by a non-citizen if:

1. the application is for a stay visa and is made on or after 1 January 1993; and
2. the Minister has given the applicant a notice including a statement of the kind mentioned in paragraph 24(3)(ab) of the

*Migration Act 1958* or a notice under paragraph 24(6)(aa) or 34(3)(aa) of that Act; and

(c) the applicant is not exempt from the charge in respect of the application because of section 7.

**Amount of English Education Charge**

**6.** Subject to this section, the amount of English Education Charge in respect of an application is the amount, not exceeding $4,080, prescribed in relation to the class of applicants of which the applicant is a member.

**Exemptions from English Education Charge**

**7.(1)** English Education Charge is not payable:

1. in respect of an application for an exempt visa; or
2. in respect of an application for an exempt entry permit.

**(2)** English Education Charge is not payable:

1. in respect of an application if the applicant withdraws the application before the charge is paid; or
2. in respect of an application by a person who has previously paid the charge in respect of another application for a visa or entry permit and has not received a refund of the payment; or
3. in respect of an application by a person who is a permanent resident at the time of the application.

**Applicant to pay charge**

**8.** English Education Charge in respect of an application is payable by the applicant.

**Delegation**

**9.** The Minister may, by signed instrument, delegate any or all of his or her powers under this Act to an officer of the Department.

**Regulations**

**10.** The Governor-General may make regulations prescribing matters:

1. required or permitted to be prescribed by this Act; or
2. necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[*Minister’s second reading speech made in*—

*House of Representatives on 4 November 1992*

*Senate on 24 November 1992*]