



Migration (Skilling Australians Fund) Charges Act 2018

No. 39, 2018

**An Act to impose nomination training contribution
charge, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

Part 1—Preliminary	2
1 Short title	2
2 Commencement	2
3 Act binds the Crown	2
4 External Territories	3
5 Extra-territorial operation	3
6 Definitions	3
Part 2—Nomination training contribution charge	4
7 Imposition of nomination training contribution charge	4
8 Amount of nomination training contribution charge	4
9 Nomination training contribution charge limit	4
Part 3—Miscellaneous	6
10 Regulations	6



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No. 39, 2018

**An Act to impose nomination training contribution
charge, and for related purposes**

[Assented to 22 May 2018]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Migration (Skilling Australians Fund) Charges Act 2018*.

2 Commencement

- (1) Each provision of this Act 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 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	22 May 2018
2. Sections 3 to 10	At the same time as Schedule 1 to the <i>Migration Amendment (Skilling Australians Fund) Act 2018</i> commences.	12 August 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Act binds the Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory.

However, it does not bind the Crown in right of the Commonwealth.

4 External Territories

This Act extends to an external Territory that is a prescribed Territory (within the meaning of subsection 7(1) of the Migration Act).

5 Extra-territorial operation

Nomination training contribution charge is payable in relation to a nomination:

- (a) whether the nomination is made in Australia or outside Australia; and
- (b) whether the person who is liable to pay the charge is in Australia or outside Australia.

6 Definitions

In this Act:

amount includes a nil amount.

Migration Act means the *Migration Act 1958*.

nomination means a nomination of a kind mentioned in subsection 140ZM(1) or (2) of the Migration Act.

nomination training contribution charge has the same meaning as in the Migration Act.

permanent visa has the same meaning as in the Migration Act.

temporary visa has the same meaning as in the Migration Act.

Part 2—Nomination training contribution charge

7 Imposition of nomination training contribution charge

Nomination training contribution charge payable under section 140ZM of the Migration Act is imposed.

8 Amount of nomination training contribution charge

- (1) The amount of nomination training contribution charge payable by a person in relation to a nomination is the amount:
 - (a) prescribed by the regulations; or
 - (b) worked out in accordance with a method prescribed by the regulations.
- (2) Without limiting subsection (1), the regulations may prescribe different charges or methods for:
 - (a) different kinds of visas; or
 - (b) different kinds of persons.
- (3) The amount prescribed, or the amount worked out in accordance with a method prescribed, must not exceed the nomination training contribution charge limit for the financial year in which the nomination is made.

9 Nomination training contribution charge limit

- (1) The nomination training contribution charge limit for a nomination made in the financial year beginning on 1 July 2017 is the following:
 - (a) for a nomination relating to a temporary visa—\$8,000;
 - (b) for a nomination relating to a permanent visa—\$5,500.
- (2) The nomination training contribution charge limit for a nomination made in a later financial year is the amount worked out by multiplying the nomination training contribution charge limit for the previous financial year by the greater of 1 or the indexation factor worked out using the following formula:

$$\frac{\text{Sum of the index numbers for the CPI quarters in the 12 months ending on 31 December before the later financial year}}{\text{Sum of the index numbers for the CPI quarters in the 12 months ending on the previous 31 December}}$$

where:

CPI quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

index number for a CPI quarter means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in relation to the CPI quarter.

- (3) The indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (4) In working out the indexation factor:
 - (a) use only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
 - (b) disregard index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).
- (5) If the amount worked out under subsection (2) is not a multiple of \$5, the amount is to be rounded as follows:
 - (a) if the amount exceeds the nearest lower multiple of \$5 by \$2.50 or more—round the amount up to the nearest higher multiple of \$5;
 - (b) otherwise—round the amount down to the nearest lower multiple of \$5.

Part 3—Miscellaneous

10 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed by the regulations; or
- (b) 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 18 October 2017
Senate on 13 February 2018]*

(240/17)
