



Migration and Other Legislation Amendment (Enhanced Integrity) Act 2018

No. 90, 2018

**An Act to amend the law relating to migration, and
for related purposes**

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

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Migration and Other Legislation Amendment (Enhanced Integrity) Act 2018

No. 90, 2018

An Act to amend the law relating to migration, and for related purposes

[Assented to 31 August 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Migration and Other Legislation Amendment
(Enhanced Integrity) Act 2018*.

No. 90, 2018 Migration and Other Legislation Amendment (Enhanced Integrity) Act 1
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. The whole of this Act	A day or days to be fixed by Proclamation. However, if any of the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	13 December 2018 (F2018N00174)

Note: This table relates only to the provisions of this Act as originally enacted.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 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Public disclosure of sanctions

Migration Act 1958

1 At the end of section 140K

Add:

Publishing information about sanctions

- (4) The Minister must, subject to subsection (7), publish the information (including personal information) prescribed by the regulations if an action is taken under this section in relation to an approved sponsor or former approved sponsor who fails to satisfy an applicable sponsorship obligation.
- (5) The Minister is not required to observe any requirements of the natural justice hearing rule in publishing information under subsection (4).
- (6) No civil liability arises from action taken by the Minister in good faith in publishing information under subsection (4).
- (7) The regulations may prescribe circumstances in which the Minister is not required to publish information under subsection (4).

2 At the end of section 140ZH

Add:

Note: The Minister may also publish personal information relating to actions taken under section 140K (sanctions for failing to satisfy sponsorship obligations) (see subsection 140K(4)).

3 Application of amendments

The amendment of section 140K of the *Migration Act 1958* made by this Part applies in relation to actions taken under that section on or after 18 March 2015.

Part 2—Review of decisions relating to certain visas

Migration Act 1958

4 Paragraph 338(2)(d)

Repeal the paragraph, substitute:

- (d) if the visa is a temporary visa of a kind (however described) prescribed for the purposes of this paragraph:
 - (i) the non-citizen is, at the time the decision to refuse to grant the visa is made, identified in an approved nomination that has not ceased under the regulations; or
 - (ii) a review of a decision under section 140E not to approve the sponsor of the non-citizen is pending at the time the decision to refuse to grant the visa is made; or
 - (iii) a review of a decision under section 140GB not to approve the nomination of the non-citizen is pending at the time the decision to refuse to grant the visa is made; or
 - (iv) except if it is a criterion for the grant of the visa that the non-citizen is identified in an approved nomination that has not ceased under the regulations—the non-citizen is, at the time the decision to refuse to grant the visa is made, sponsored by an approved sponsor.

5 Application of amendments

The amendments of section 338 of the *Migration Act 1958* made by this Part apply in relation to decisions made after this item commences.

Part 3—Tax file numbers

Income Tax Assessment Act 1936

6 At the end of section 202

Add:

; and (t) to facilitate the administration of the *Migration Act 1958*.

Migration Act 1958

7 Subsection 5(1)

Insert:

tax file number has the meaning given by subsection 995-1(1) of the *Income Tax Assessment Act 1997*.

8 After section 506A

Insert:

506B Tax file numbers

Request for tax file numbers

- (1) The Secretary may request any of the persons mentioned in subsection (2) to provide the tax file number of a person (the ***relevant person***) who is an applicant for, or holder or former holder of, a visa of a kind (however described) prescribed by the regulations.
- (2) For the purposes of subsection (1), the persons are any of the following:
 - (a) the applicant, holder or former holder;
 - (b) an approved sponsor of the applicant, holder or former holder;
 - (c) a former approved sponsor of the applicant, holder or former holder;

- (d) a person who has nominated the applicant or holder in an approved nomination that has not ceased under the regulations;
 - (e) a person who nominated the holder or former holder in an approved nomination that has ceased under the regulations.
- (3) A person to whom a request is made under subsection (1) who is lawfully in possession of the tax file number may disclose the tax file number in accordance with the request.

Verification of tax file numbers

- (4) The Secretary may provide the tax file number to the Commissioner of Taxation for the purpose of verifying the tax file number.
- (5) On receiving the tax file number, the Commissioner of Taxation may give the Secretary a written notice in accordance with the following table.

Notices of the Commissioner of Taxation		
Item	If ...	the Commissioner may give the Secretary written notice ...
1	the Commissioner is satisfied that the number is correct	informing the Secretary accordingly.
2	(a) the Commissioner is satisfied that the tax file number is not correct; and (b) the Commissioner is satisfied that the relevant person has a tax file number;	of the correct tax file number.
3	(a) the Commissioner is satisfied that the tax file number is not correct; and (b) the Commissioner is not satisfied that the relevant person has a tax file number;	informing the Secretary accordingly.

Commissioner of Taxation may provide tax file number

- (6) The Commissioner of Taxation may provide the tax file number of a person to the Secretary if the Secretary advises the Commissioner that the person is a relevant person.
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Use, records or disclosures of tax file numbers

- (7) A tax file number provided under this section may be used, recorded or disclosed by an officer for any purposes prescribed by the regulations.

Taxation Administration Act 1953

9 Paragraphs 8WA(1AA)(b) and 8WB(1A)(a) and (b)

Omit “or (s)”, substitute “, (s) or (t)”.

10 Application of amendments

The amendments of the *Income Tax Assessment Act 1936*, the *Migration Act 1958* and the *Taxation Administration Act 1953* made by this Part apply in relation to the following:

- (a) any request to quote a person’s tax file number that is made after this item commences;
- (b) any record of a person’s tax file number that is made or maintained, or any use, divulging or communication of a person’s tax file number that occurs, after this item commences.

Part 4—Technical amendments

Migration Act 1958

11 Subparagraph 140K(1)(a)(iv)

Omit “119”, substitute “114”.

12 Subparagraph 140K(1)(a)(v)

Omit “120”, substitute “115”.

13 Subparagraph 140K(2)(a)(iii)

Omit “119”, substitute “114”.

14 Subparagraph 140K(2)(a)(iv)

Omit “120”, substitute “115”.

*[Minister’s second reading speech made in—
House of Representatives on 16 August 2017
Senate on 19 March 2018]*

(176/17)