



# **Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020**

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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 06 August 2020

David Hurley  
Governor-General

By His Excellency's Command

Jason Wood  
Assistant Minister for Customs, Community Safety and Multicultural Affairs  
Parliamentary Secretary to the Minister for Home Affairs

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## 1 Name

This instrument is the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020*.

## 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	8 August 2020
2. Schedule 1	Immediately after the commencement of Schedule 1 to the <i>Migration Agents Registration Application Charge Amendment (Rates of Charge) Act 2020</i> .	15 October 2020 (F2020N00088)

Note: This table relates only to the provisions of this instrument as originally made.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 Agents Registration Application Charge Act 1997*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### ***Migration Agents Registration Application Charge Regulations 1998***

#### **1 Subregulation 3(1)**

Omit “(1) In these Regulations”, substitute “In these Regulations”.

#### **2 Subregulation 3(1)**

Insert:

*repeat registration* has the same meaning as in the *Migration Agents Regulations 1988*.

#### **3 Subregulation 3(2)**

Repeal the subregulation.

#### **4 Part 2 (heading)**

Repeal the heading, substitute:

### **Part 2—General charge and non-commercial application charge**

#### **5 Regulation 4 (heading)**

Repeal the heading, substitute:

#### **4 Amount of general charge**

#### **6 Subregulation 4(2)**

Omit “Act:”, substitute “Act, the amount of general charge payable is as follows:”.

#### **7 Paragraph 4(2)(a)**

Omit “charge”, substitute “general charge”.

#### **8 Paragraph 4(2)(a)**

Omit “and”.

#### **9 Paragraph 4(2)(b)**

Omit “charge”, substitute “general charge”.

#### **10 Regulation 5 (heading)**

Repeal the heading, substitute:

#### **5 Amount of non-commercial application charge**

#### **11 Subregulation 5(1)**

Repeal the subregulation, substitute:

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- (1) This regulation applies to an individual who intends to provide immigration assistance on a non-commercial basis.

**12 Subregulation 5(2)**

Omit “Act:”, substitute “Act, the amount of non-commercial application charge payable is as follows:”.

**13 Paragraph 5(2)(a)**

Omit “charge”, substitute “non-commercial application charge”.

**14 Paragraph 5(2)(a)**

Omit “and”.

**15 Paragraph 5(2)(b)**

Omit “charge”, substitute “non-commercial application charge”.

**16 After regulation 5**

Insert:

**Part 2A—Charge on basis of status of migration agent****17 Regulation 6**

Repeal the regulation, substitute:

**6 Working out amount of charge**

For the purposes of the definition of *begins* in section 3 of the Act, and paragraph (a) of the definition of *remaining period* in subsection 12(1) of the Act, the first day in the current period of a registered migration agent’s registration on which the agent begins to give immigration assistance otherwise than on a non-commercial basis is the earliest of the following days:

- (a) the first day in the period on which the agent gives a client an estimate of fees before starting work on behalf of the client;
- (b) the first day in the period on which the agent charges a client a fee for services provided;
- (c) the first day in the period on which the agent is (or becomes) a person associated with, or a member of, an organisation that gives immigration assistance on a commercial, or for-profit, basis;
- (d) the first day in the period on which the agent is not (or is no longer) a member of, or a person associated with, an organisation that operates in Australia solely:
  - (i) on a non-commercial or non-profit basis; and
  - (ii) as a charity, or for the benefit of the Australian community.

Note: *Charity* has the meaning given by Part 2 of the *Charities Act 2013* (see section 2B of the *Acts Interpretation Act 1901*).

**18 In the appropriate position in Part 3**

Insert:

**8 Amendments made by the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020***

The amendments of these Regulations made by Schedule 1 to the *Migration Agents Registration Application Charge Amendment (Rates of Charge) Regulations 2020* apply in relation to:

- (a) an amount of general charge or non-commercial application charge in respect of a registration application made on or after the commencement of this regulation; and
- (b) an amount of charge imposed under section 10 of the Act (on the basis of the status of a migration agent) in respect of a registered migration agent's current period of registration resulting from a registration application made on or after the commencement of this regulation.