



Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014

Select Legislative Instrument No. 82, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 12 June 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Scott Morrison
Minister for Immigration and Border Protection

OPC60389 - A

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1 Name of regulation

This regulation is the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014*.

2 Commencement

This regulation commences on 1 July 2014.

3 Authority

This regulation is made under the following Acts:

- (a) the *Migration Act 1958*;
- (b) the *Australian Citizenship Act 2007*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Migration Regulations 1994

1 Subregulation 2.19A(2)

Omit “\$70”, substitute “\$150”.

2 Subregulation 2.19A(3) (table items 1 to 4, 15, 19 to 20, 23 to 25, 27 and 28)

Repeal the items.

Schedule 2—Amendments relating to members of the family unit for student visas

Migration Regulations 1994

1 Paragraph 1222(3)(e) of Schedule 1

Repeal the paragraph.

2 Clause 570.314 of Schedule 2

Repeal the clause, substitute:

570.314

- (1) If the applicant claims to be a member of the family unit of a person (the ***primary person***) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

3 Clause 571.314 of Schedule 2

Repeal the clause, substitute:

571.314

- (1) If the applicant claims to be a member of the family unit of a person (the ***primary person***) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

4 Clause 572.314 of Schedule 2

Repeal the clause, substitute:

572.314

- (1) If the applicant claims to be a member of the family unit of a person (the ***primary person***) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:

-
- (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

5 Clause 573.314 of Schedule 2

Repeal the clause, substitute:

573.314

- (1) If the applicant claims to be a member of the family unit of a person (the ***primary person***) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

6 Clause 574.314 of Schedule 2

Repeal the clause, substitute:

574.314

- (1) If the applicant claims to be a member of the family unit of a person (the ***primary person***) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and

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- (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
 - (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

7 Clause 575.314 of Schedule 2

Repeal the clause, substitute:

575.314

- (1) If the applicant claims to be a member of the family unit of a person (the *primary person*) who holds a student visa having satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).
- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

8 Clause 576.314 of Schedule 2

Repeal the clause, substitute:

576.314

- (1) If the applicant claims to be a member of the family unit of a person (the *primary person*) who holds a student visa having

satisfied the primary criteria for that visa, the applicant meets subclause (2) or (3).

- (2) The applicant meets this subclause if:
 - (a) the applicant became a member of the family unit of the primary person before the grant of the student visa to the primary person; and
 - (b) the applicant was included in the primary person's application under subregulation 2.07AF(3) or in information provided in relation to the primary person's application under subregulation 2.07AF(4).
- (3) The applicant meets this subclause if the applicant became a member of the family unit of the primary person:
 - (a) after the grant of the student visa to the primary person; and
 - (b) before the application was made.

Schedule 3—Amendments relating to skills assessment validity

Migration Regulations 1994

1 After paragraph 186.234(2)(aa) of Schedule 2

Insert:

- (ab) if the assessment specifies a period during which the assessment is valid, and the period does not end more than 3 years after the date of the assessment—the period has not ended;
- (ac) if paragraph (ab) does not apply—not more than 3 years have passed since the date of the assessment;

2 Paragraph 187.234(b) of Schedule 2

Repeal the paragraph, substitute:

- (b) all of the following requirements were met:
 - (i) the applicant's occupation is specified by the Minister in an instrument in writing for this subparagraph;
 - (ii) the applicant did not obtain the necessary qualification in Australia;
 - (iii) the applicant's skills had been assessed as suitable for the occupation by an assessing authority specified by the Minister in the instrument for subparagraph (i) as the assessing authority for the occupation;
 - (iv) the assessment was not for a Subclass 485 (Temporary Graduate) visa;
 - (v) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period had not ended;
 - (vi) if subparagraph (v) did not apply—not more than 3 years had passed since the date of the assessment; or

3 At the end of subclause 189.212(1) of Schedule 2

Add:

- ; and (c) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3

years after the date of the assessment—the period had not ended; and

- (d) if paragraph (c) did not apply—not more than 3 years had passed since the date of the assessment.

4 At the end of subclause 190.212(1) of Schedule 2

Add:

- ; and (c) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period had not ended; and

- (d) if paragraph (c) did not apply—not more than 3 years had passed since the date of the assessment.

5 Subclause 485.224(1) of Schedule 2

Repeal the subclause, substitute:

- (1) At the time of application:

- (a) the skills of the applicant for the applicant's nominated skilled occupation had been assessed by a relevant assessing authority as suitable for that occupation; and
- (b) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period had not ended; and
- (c) if paragraph (b) did not apply—not more than 3 years had passed since the date of the assessment.

6 At the end of subclause 489.222(1) of Schedule 2

Add:

- ; and (c) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period had not ended; and

- (d) if paragraph (c) did not apply—not more than 3 years had passed since the date of the assessment.

Schedule 4—Amendments relating to foreign currencies and places

Australian Citizenship Regulations 2007

1 Subregulation 12A(7)

Repeal the subregulation, substitute:

(7) In this regulation:

conversion instrument means the instrument titled *Payment of Visa Application Charges and Fees in Foreign Currencies* (IMMI 14/005) that commenced on 1 July 2014.

places and currencies instrument means the instrument titled *Places and Currencies for Paying of Fees* (IMMI 14/006) that commenced on 1 July 2014.

Schedule 5—Amendments relating to the substitution of AusAID references

Migration Regulations 1994

1 Regulation 1.03 (definition of *AusAID*)

Repeal the definition (including the note), substitute:

AusAID means the body that was known as the Australian Agency for International Development.

2 Regulation 1.03 (definition of *AusAID Minister*)

Repeal the definition (including the note), substitute:

AusAID Minister means a Minister who was responsible for administering AusAID.

3 Regulation 1.03

Repeal the following definitions (including the notes):

- (a) definition of *AusAID recipient*;
- (b) definition of *AusAID student*.

4 Regulation 1.03 (sub-sub-subparagraph (a)(i)(C)(I) of the definition of *eligible student visa*)

After “AusAID Minister”, insert “, the Foreign Minister”.

5 Regulation 1.03

Insert:

Foreign Affairs recipient: see subregulation 1.04A(2).

Foreign Affairs student: see subregulation 1.04A(3).

6 Regulation 1.03

Insert:

Subclass 576 (Foreign Affairs or Defence Sector) visa includes a Subclass 576 (AusAID or Defence Sector) visa.

Note: Amendments of these Regulations that commenced on 1 July 2014 renamed the Subclass 576 (AusAID or Defence Sector) visa.

7 Regulation 1.04A

Repeal the regulation, substitute:

1.04A Foreign Affairs recipients and Foreign Affairs students

(1) In this regulation:

AIDAB means the former Australian International Development Assistance Bureau.

cease, in relation to a full-time course of study or training, includes to complete, to withdraw from, or to be excluded from, that course.

equivalent former visa or entry permit means a Group 2.2 (student) visa or entry permit, within the meaning of the Migration (1993) Regulations, granted to a person who, as an applicant:

- (a) satisfied the criteria for the grant of the visa or entry permit as a primary person; and
- (b) was a student in a full-time course of study or training under a scholarship scheme or training program approved by AIDAB or AusAID.

equivalent transitional visa means a transitional (temporary) visa within the meaning of the Migration Reform (Transitional Provisions) Regulations that:

- (a) is, or was, held by a person because the person held an equivalent former visa or entry permit; or
- (b) was granted to a person on the basis of a decision that the person satisfied the criteria for the grant of an equivalent former visa or entry permit.

Foreign Affairs student visa means:

- (a) a Subclass 560 (Student), Subclass 562 (Iranian Postgraduate Student) or Subclass 576 (Foreign Affairs or Defence Sector) visa granted to a person who, as an applicant:
 - (i) satisfied the primary criteria for the grant of the visa; and
 - (ii) was a student in a full-time course of study or training under a scholarship scheme or training program

-
- approved by the Foreign Minister or AusAID Minister;
or
 - (b) an equivalent former visa or entry permit; or
 - (c) an equivalent transitional visa.
 - (2) A person is a ***Foreign Affairs recipient*** if:
 - (a) either:
 - (i) the person is the holder of a Foreign Affairs student visa and has ceased:
 - (A) the full-time course of study or training to which that visa relates; or
 - (B) another course approved by the Foreign Minister or AusAID Minister in substitution for that course; or
 - (ii) if the person is not the holder of an Foreign Affairs student visa—the person has in the past been the holder of a Foreign Affairs student visa and has ceased:
 - (A) the full-time course of study or training to which the last Foreign Affairs student visa held by the person related; or
 - (B) another course approved by the Foreign Minister or AusAID Minister in substitution for that course; and
 - (b) the person has not spent at least 2 years outside Australia since ceasing the course.
 - (3) A person is a ***Foreign Affairs student*** if:
 - (a) the person has been approved by the Foreign Minister or AusAID Minister to undertake a full-time course of study or training under a scholarship scheme or training program approved by the Foreign Minister or AusAID Minister; and
 - (b) the person is:
 - (i) the holder of a Foreign Affairs student visa granted in circumstances where the person intended to undertake the full-time course of study or training; or
 - (ii) an applicant for a student visa whose application shows an intention to undertake a full-time course of study or training; and
 - (c) in the case of a person mentioned in subparagraph (b)(i)—the person has not ceased:
-

- (i) the full-time course of study or training to which the visa relates; or
- (ii) another course approved by the Foreign Minister or AusAID Minister in substitution for that course.

8 Regulation 1.04AA

Repeal the regulation.

9 Sub-subparagraph 1229(4)(a)(ii)(D) of Schedule 1

After “AusAID Minister”, insert “, the Foreign Minister”.

10 Part 576 of Schedule 2 (heading)

Repeal the heading, substitute:

Subclass 576—Foreign Affairs or Defence Sector

11 Clause 576.111 of Schedule 2 (definition of *course of study*)

After “AusAID Minister”, insert “, the Foreign Minister”.

12 Paragraphs 576.211(4)(d) and 576.322(b) of Schedule 2

After “AusAID Minister”, insert “, the Foreign Minister”.

13 Clause 580.114 (note) of Schedule 2

Repeal the note, substitute:

Note: *Assessment level, Australian permanent resident, custody, Defence Minister, education provider, eligible New Zealand citizen, Foreign Affairs recipient, Foreign Affairs student, Foreign Minister, home country and relative* are defined in regulation 1.03. *Member of the family unit* is defined in regulation 1.12.

14 Subparagraph 5010(4)(a)(ii) of Schedule 5

After “AusAID Minister”, insert “, the Foreign Minister”.

15 Subclause 5010(6) of Schedule 5 (definition of *AusAID student visa*)

Repeal the definition.

16 Subclause 5010(6) of Schedule 5

Insert:

Foreign Affairs student visa has the same meaning as in regulation 1.04A.

17 Amendments of listed provisions

Amendments relating to change of agency name			
Item	Provision	Omit	Substitute
1	Regulation 1.03 (paragraph (f) of the definition of <i>eligible student visa</i>)	AusAID	Foreign Affairs
2	Regulation 1.03 (paragraph (g) of the definition of <i>student visa</i>)	AusAID	Foreign Affairs
3	Subparagraph 1.04B(b)(i)	AusAID	Foreign Affairs
4	Paragraph 1.40A(2)(a)	AusAID	Foreign Affairs
5	Subregulation 2.19A(3) (table item 19A)	AusAID	Foreign Affairs
6	Sub-subparagraphs 1222(2)(a)(iii)(A) and (iv)(A) of Schedule 1	an AusAID (wherever occurring)	a Foreign Affairs
7	Subparagraph 1222(3)(c)(iii) of Schedule 1	an AusAID	a Foreign Affairs
8	Sub-subparagraph 1222(3)(h)(iv)(A) of Schedule 1	an AusAID	a Foreign Affairs
9	Subitem 1222(4) of Schedule 1	AusAID	Foreign Affairs
10	Sub-subparagraph 1229(4)(a)(ii)(F) of Schedule 1	AusAID	Foreign Affairs
11	Clause 405.224 of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
12	Clause 405.224 of Schedule 2	the AusAID Minister	the Foreign Minister
13	Clause 405.326 of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs

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Schedule 5 Amendments relating to the substitution of AusAID references

Amendments relating to change of agency name			
Item	Provision	Omit	Substitute
14	Clause 405.326 of Schedule 2	the AusAID Minister	the Foreign Minister
15	Subclause 410.321(7) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
16	Subclause 410.321(7) of Schedule 2	the AusAID Minister	the Foreign Minister
17	Subclause 416.228(1) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
18	Subclause 416.228(1) of Schedule 2	the AusAID Minister	the Foreign Minister
19	Subclause 416.325(1) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
20	Subclause 416.325(1) of Schedule 2	the AusAID Minister	the Foreign Minister
21	Subclause 417.221(6) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
22	Subclause 417.221(6) of Schedule 2	the AusAID Minister	the Foreign Minister
23	Division 462.1 of Schedule 2 (note to heading)	<i>AusAID</i> (wherever occurring)	<i>Foreign Affairs</i>
24	Paragraph 462.221(e) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
25	Clause 570.230A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
26	Clause 570.230A of Schedule 2	the AusAID Minister	the Foreign Minister
27	Clause 571.229A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
28	Clause 571.229A of Schedule 2	the AusAID Minister	the Foreign Minister

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Amendments relating to change of agency name			
Item	Provision	Omit	Substitute
29	Clause 572.229A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
30	Clause 572.229A of Schedule 2	the AusAID Minister	the Foreign Minister
31	Clause 573.229A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
32	Clause 573.229A of Schedule 2	the AusAID Minister	the Foreign Minister
33	Clause 574.229A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
34	Clause 574.229A of Schedule 2	the AusAID Minister	the Foreign Minister
35	Clause 575.229A of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
36	Clause 575.229A of Schedule 2	the AusAID Minister	the Foreign Minister
37	Clause 576.229 of Schedule 2	the AusAID Minister	the Foreign Minister
38	Clause 576.332 of Schedule 2	the AusAID Minister	the Foreign Minister
39	Clause 580.225 of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
40	Clause 580.225 of Schedule 2	the AusAID Minister	the Foreign Minister
41	Subclause 676.222(1) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs
42	Subclause 676.222(1) of Schedule 2	the AusAID Minister	the Foreign Minister
43	Subclause 773.225(1) of Schedule 2	an AusAID (wherever occurring)	a Foreign Affairs

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Schedule 5 Amendments relating to the substitution of AusAID references

Amendments relating to change of agency name			
Item	Provision	Omit	Substitute
44	Subclause 773.225(1) of Schedule 2	the AusAID Minister	the Foreign Minister
45	Clause 4012A of Schedule 4	an AusAID	a Foreign Affairs
46	Part 2 of Schedule 4 (table item 4058G, column 2)	AusAID	Foreign Affairs
47	Paragraphs 5010(1)(a) and (2)(a) of Schedule 5	an AusAID (wherever occurring)	a Foreign Affairs
48	Paragraph 5010(3)(b) of Schedule 5	AusAID	Foreign Affairs
49	Sub-subparagraph 5010(4)(a)(i)(B) of Schedule 5	AusAID	Foreign Affairs
50	Paragraph 5010(5)(a) of Schedule 5	the AusAID Minister	the Foreign Minister
51	Subclauses 5A104(1) and (2) of Schedule 5A (table item 3, column headed "Description of applicant", paragraph (b))	the AusAID Minister	the Foreign Minister
52	Subclause 5A108(1) of Schedule 5A	AusAID	Foreign Affairs
53	Part 8 of Schedule 5A (heading)	AusAID	Foreign Affairs
54	Subclause 5A805(1) of Schedule 5A	the AusAID Minister	the Foreign Minister
55	Paragraph 5A805(3)(e) of Schedule 5A	the AusAID Minister	the Foreign Minister
56	Subparagraph 5A806(a)(i) of Schedule 5A	the AusAID Minister	the Foreign Minister
57	Paragraph 8104(5)(a) of Schedule 8	AusAID	Foreign Affairs
58	Subclause 8202(1) of Schedule 8	an AusAID	a Foreign Affairs
59	Subclause 8202(1) of Schedule 8	(AusAID	(Foreign Affairs
60	Subclause 8202(4) of Schedule 8	an AusAID	a Foreign Affairs

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Amendments relating to change of agency name			
Item	Provision	Omit	Substitute
61	Subclause 8202(4) of Schedule 8	(AusAID	(Foreign Affairs
62	Clause 8532 of Schedule 8	an AusAID	a Foreign Affairs

Schedule 6—Amendments relating to Australian citizenship fees and other measures

Australian Citizenship Regulations 2007

1 Schedule 2 (notes 2 and 3)

Repeal the notes, substitute:

- Note 2: If relevant, the following information in relation to the person named in this notice may be listed on the back of this notice, along with the signature, or printed or stamped signature, of the Minister:
- (a) the person's legal name at the time of acquisition of Australian citizenship, if different from the person's current legal name;
 - (b) the date of any notice of evidence of Australian citizenship previously given to the person;
 - (c) any other name in which a notice of evidence of Australian citizenship has previously been given to the person;
 - (d) any other date of birth in which a notice of evidence of Australian citizenship has previously been given to the person.

2 Schedule 3 (cell at table item 9, column headed “Application”)

Repeal the cell, substitute:

An application under section 21 of the Act if:

- (a) the applicant holds:
 - (i) a pensioner concession card or health care card endorsed by the Human Services Department or Centrelink with 1 of the following codes: PA; SA; WA; or
 - (ii) a pensioner concession card endorsed by the Human Services Department or Centrelink with 1 of the following codes: AGE; CAR; DSP; NS, PPP; SL; WFA; WFD; WFW; WID; YAL; or
 - (iii) a health care card endorsed by the Human Services Department or Centrelink with the code SL; and
- (b) for an applicant to whom

subparagraph (a)(iii) applies—the applicant produces evidence that the applicant has received the SL benefit for at least 46 of the previous 52 weeks; and

- (c) the applicant does not claim eligibility on the basis of the criteria in subsection 21(2) of the Act

3 Schedule 3 (table items 11 and 12)

Repeal the items.

4 Schedule 3 (cell at table item 13, column headed “Application”)

Repeal the cell, substitute:

An application under section 21 of the Act, if the applicant:

- (a) holds a pensioner concession card endorsed by the Department of Veterans’ Affairs:
- (i) for an Age Service, Invalidity Service, or Partner Service pension; or
 - (ii) for an Income Support Supplement; or
 - (iii) with the code AGE; and
- (b) does not claim eligibility on the basis of the criteria in subsection 21(2) of the Act

5 Schedule 3 (cell at table item 14, column headed “Application”, paragraph (b))

Repeal the paragraph, substitute:

- (b) either of the following provisions applies to the applicant:
- (i) paragraph (a) of item 9;
 - (ii) paragraph (a) of item 13; and
- (c) if subparagraph (a)(iii) of item 9 applies to the applicant—the applicant meets paragraph (b) of item 9

6 Schedule 3 (table item 15, column headed “Application”)

Omit “15A to 15D”, substitute “15C and 15D”.

7 Schedule 3 (table items 15A and 15B)

Repeal the items.

**8 Schedule 3 (cell at table item 15C, column headed
“Application”, paragraph (d))**

Repeal the paragraph, substitute:

- (d) either of the following provisions applies to the applicant:
- (i) paragraph (a) of item 9;
 - (ii) paragraph (a) of item 13; and
- (e) if subparagraph (a)(iii) of item 9 applies to the applicant—the applicant meets paragraph (b) of item 9

Schedule 7—Amendments relating to infringement notices

Migration Regulations 1994

1 Division 5.4 (heading)

Repeal the heading, substitute:

Division 5.4—Infringement notice penalties

2 Regulation 5.20 (heading)

Repeal the heading, substitute:

5.20 Offences

3 Regulation 5.20A (heading)

Repeal the heading, substitute:

5.20A Civil penalty provisions

4 Regulation 5.21

Insert:

infringement notice penalty:

- (a) for an offence—means the penalty prescribed by regulation 5.20 for the offence; and
- (b) for a civil penalty provision—means the penalty prescribed by regulation 5.20A for the civil penalty provision.

5 Regulation 5.21 (definition of *prescribed penalty*)

Repeal the definition.

6 Paragraph 5.23(1)(b)

Before “commission”, insert “alleged”.

7 Paragraph 5.23(1)(ba)

Omit “a contravention”, substitute “an alleged contravention”.

8 Paragraph 5.23(1)(d)

Repeal the paragraph, substitute:

- (d) set out the infringement notice penalty; and

9 Regulation 5.24

Omit “prescribed penalty”, insert “infringement notice penalty”.

10 Regulation 5.25 (heading)

Repeal the heading, substitute:

5.25 What happens if the infringement notice penalty is paid?

11 Regulation 5.25

Omit “prescribed penalty”, substitute “infringement notice penalty”.

12 Regulation 5.27 (heading)

Repeal the heading, substitute:

5.27 Refund of infringement notice penalty if notice withdrawn

13 Paragraph 5.27(b)

Omit “prescribed penalty”, substitute “infringement notice penalty”.

14 Subregulation 5.28(2)

Repeal the subregulation, substitute:

(2) The matter is that:

- (a) the authorised officer did not allow further time for payment of the infringement notice penalty and the penalty was not paid within 28 days after the date of service of the infringement notice; or
- (b) the authorised officer allowed a further period (as specified in the certificate) for payment of the infringement notice penalty and the penalty was not paid within the further period; or
- (c) the authorised officer withdrew the infringement notice on a day specified in the certificate.

15 Regulation 5.29

Omit “prescribed penalty”, substitute “infringement notice penalty”.

<i>No. 82, 2014</i>	<i>Migration Legislation Amendment (2014 Measures No. 1)</i>	<i>25</i>
	<i>Regulation 2014</i>	
<i>OPC60389 - A</i>		

Schedule 8—Amendments relating to transitional arrangements

Australian Citizenship Regulations 2007

1 At the end of Part 4

Add:

25 Amendments made by the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014*

- (1) The amendment of these Regulations made by Schedule 4 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* applies in relation to an application made under Division 2, 3 or 4 of Part 2 of the Act on or after 1 July 2014.
- (2) The amendments of these Regulations made by items 2 to 8 of Schedule 6 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to an application made under Division 2 of Part 2 of the Act on or after 1 July 2014.

Migration Regulations 1994

2 At the end of Schedule 13

Add:

Part 31—Amendments made by the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014*

3101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to a request under section 70 of the Act for evidence of a visa, made on or after 1 July 2014.

3102 Operation of Schedules 2 and 3

The amendments of these Regulations made by Schedules 2 and 3 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to an application for a visa made on or after 1 July 2014.

3103 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to the following applications for a visa:

- (a) an application made, but not finally determined, before 1 July 2014;
- (b) an application made on or after 1 July 2014.

3104 Operation of Schedule 7

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply on and after 1 July 2014 in relation to an infringement notice served before, on or after that date.