

Australian Citizenship Amendment (Credit Card Surcharge) Regulation 2014

Select Legislative Instrument No. 124, 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 21 August 2014

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Michaelia Cash

Assistant Minister for Immigration and Border Protection

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Australian Citizenship Regulations 2007 4

1 Name of regulation

 This regulation is the *Australian Citizenship Amendment (Credit Card Surcharge) Regulation 2014*.

2 Commencement

 This regulation commences on 23 August 2014.

3 Authority

 This regulation is made under the *Australian Citizenship Act 2007.*

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Main amendments

Australian Citizenship Regulations 2007

1 Regulation 4

Insert:

***credit card surcharge***: see subregulation 12A(1).

***Schedule 3 amount***: see subregulation 12A(1).

2 Subregulation 12A(1)

Repeal the subregulation, substitute:

 (1) For paragraph 46(1)(d) of the Act, the fee to accompany an application under a provision of the Act is the sum of:

 (a) the amount (the ***Schedule 3 amount***) set out in Schedule 3 for the application; and

 (b) if the Schedule 3 amount, or part of the Schedule 3 amount, is paid by credit card (other than a payment made in New Zealand currency or Singaporean currency)—the following amount (the ***credit card surcharge***):

 (i) for payment by Visa or MasterCard credit card—1.08% of the Schedule 3 amount paid by credit card;

 (ii) for payment by American Express or Japan Credit Bureau (JCB) credit card—1.99% of the Schedule 3 amount paid by credit card;

 (iii) for payment by Diners Club International credit card—2.91% of the Schedule 3 amount paid by credit card.

3 Subregulation 12A(2) (note)

Omit “paragraph 22(1)(f)”, substitute “section 2B”.

4 Paragraph 13(4)(c)

Omit “fee”, substitute “amount”.

5 Subregulation 13(4)

After “$20 of the fee”, insert “payable under section 46 of the Act in relation to the application”.

6 After subregulation 13(4)

Insert:

 (4A) If the Minister refunds $20 in relation to a fee under subregulation (4), and the fee included a credit card surcharge, the Minister must also refund the proportion of the credit card surcharge that is equal to the proportion that $20 is of the Schedule 3 amount included in the fee.

7 Paragraph 13(5)(c)

Omit “fee”, substitute “amount”.

8 Subregulation 13(5)

After “$130 of the fee”, insert “payable under section 46 of the Act in relation to the application”.

9 After subregulation 13(5)

Insert:

 (5A) If the Minister refunds $130 in relation to a fee under subregulation (5), and the fee included a credit card surcharge, the Minister must also refund the proportion of the credit card surcharge that is equal to the proportion that $130 is of the Schedule 3 amount included in the fee.

10 Schedule 3 (heading)

Repeal the heading (not including the note), substitute:

Schedule 3—Amounts to accompany applications

11 Schedule 3 (table, heading to column headed “Fee”)

Repeal the heading, substitute:

| Amount |
| --- |

Part 2—Application and transitional provisions

Australian Citizenship Regulations 2007

12 At the end of Part 4

Add:

26 Amendments made by the *Australian Citizenship Amendment (Credit Card Surcharge) Regulation 2014*

 The amendments of these Regulations made by Part 1 of Schedule 1 to the *Australian Citizenship Amendment (Credit Card Surcharge) Regulation 2014* apply in relation to an application made under Division 2, 3 or 4 of Part 2 of the Act on or after 23 August 2014.