



Commonwealth of Australia

Visas Attracting a Subsequent Temporary Application Charge 2016/098

made under paragraphs 2.12C(5)(a) and 2.12C(5)(c)

Migration Regulations 1994

Compilation No. 1

Compilation date: 24 November 2016

Includes amendments up to: Visas Attracting a Subsequent Temporary Application Charge Amendment Instrument 2016/120

Prepared by the Department of Immigration and Border Protection

About this compilation

This compilation

This is a compilation of the *Visas Attracting a Subsequent Temporary Application Charge 2016/098* that shows the text of the law as amended and in force on 24 November 2016 (the *compilation date*).

This compilation was prepared on 30 November 2016

The notes at the end of this compilation (the *endnotes*) include information about amending law and the amendment history of provision of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

I, *PETER DUTTON*, Minister for Immigration and Border Protection, acting under paragraphs 2.12C(5)(a) and 2.12C(5)(c) of the *Migration Regulations 1994* (the Regulations):

1. REVOKE Instrument IMMI 16/012 (F2016L00625), Visas Attracting a Subsequent Temporary Application Charge 2016/012, signed 29 April 2016; and
2. SPECIFY for the purposes of paragraphs 2.12C(5)(a) of the Regulations, the visas listed in Schedule 1 to this Instrument; and
3. SPECIFY for the purposes of paragraph 2.12C(5)(c) of the Regulations, the visas listed in Schedule 2 to this Instrument.

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SCHEDULE 1

| Subclass | Streams within that subclass (if applicable) |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 500 (Student) | The whole Subclass except Foreign affairs students or Defence students or students enrolled in a registered Masters Degree by Research or Doctoral degree course (including PhD marking) |
| 590 (Student Guardian) | The whole Subclass |
| 407 | The whole Subclass |
| 408 | The whole subclass except where an applicant is in a class of persons specified by the Minister for the purposes of subparagraphs 1237(2)(a)(i), 1237(2)(a)(ii) and 1237(2)(a)(iii) of Schedule 1 to the Regulations. |
| 457 | The whole Subclass |
| 600 | The whole Subclass |
| 676 | The whole Subclass |

SCHEDULE 2

| Subclass | Streams within that subclass (if applicable) |
|-----------------|----------------------------------------------------------------------------------------------------------------|
| 401 | The whole Subclass |
| 402 | Occupational Trainee |
| 402 | Subclass 402 visa granted to an applicant who satisfied the requirements of paragraph 402.311(a) of Schedule 2 |
| 402 | Research |
| 402 | Subclass 402 visa granted to an applicant who satisfied the requirements of paragraph 402.311(b) of Schedule 2 |
| 407 | The whole Subclass |
| 408 | The whole Subclass |
| 411 | The whole Subclass |
| 415 | The whole Subclass |
| 416 | The whole Subclass |
| 417 | The whole Subclass |
| 419 | The whole Subclass |
| 420 | The whole Subclass |
| 421 | The whole Subclass |
| 422 | The whole Subclass |
| 423 | The whole Subclass |
| 426 | The whole Subclass |
| 427 | The whole Subclass |
| 428 | The whole Subclass |
| 442 | The whole Subclass |
| 457 | The whole Subclass |
| 462 | The whole Subclass |

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| | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 500 | The whole Subclass except holders of a Subclass 500 visa who paid nil visa application charge as they were affected by provider default. |
| 570 | The whole Subclass other than holders of a Subclass 570 visa who paid nil visa application charge as they were affected by provider default. |
| 571 | The whole Subclass other than holders of a Subclass 571 visa who paid nil visa application charge as they were affected by provider default. |
| 572 | The whole Subclass other than holders of a Subclass 572 visa who paid nil visa application charge as they were affected by provider default. |
| 573 | The whole Subclass other than holders of a Subclass 573 visa who paid nil visa application charge as they were affected by provider default. |
| 574 | The whole Subclass other than holders of a Subclass 574 visa who paid nil visa application charge as they were affected by provider default. |
| 575 | The whole Subclass other than holders of a Subclass 575 visa who paid nil visa application charge as they were affected by provider default. |
| 576 | The whole Subclass other than holders of a Subclass 576 visa who paid nil visa application charge as they were affected by provider default. |
| 580 | The whole Subclass other than holders of a Subclass 580 visa who paid nil visa application charge as their nominating student was affected by provider default. |
| 590 | The whole Subclass except holders of a Subclass 590 visa who paid nil visa application charge as their nominating student was affected by provider default. |
| 600 | Tourist stream |
| 602 | The whole Subclass |
| 676 | The whole Subclass |
| 685 | The whole Subclass |

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

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If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

| | |
|-----------------------------------------------------------------|---------------------------------------------------------------------|
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub-subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev...) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have effect | renum = renumbered |
| F = Federal Register of Legislation | rep = repealed |
| gaz = gazette | rs = repealed and substituted |
| LA = <i>Legislation Act 2003</i> | s = section(s)/subsection(s) |
| LIA = <i>Legislative Instruments Act 2003</i> | Sch = Schedule(s) |
| (md) = misdescribed amendment can be given effect | Sdiv = Subdivision(s) |
| (md not incorp) = misdescribed amendment cannot be given effect | SLI = Select Legislative Instrument |
| mod = modified/modification | SR = Statutory Rules |
| No. = Number(s) | Sub-Ch = Sub-Chapter(s) |
| | SubPt = Subpart(s) |
| | <u>underlining</u> = whole or part not commenced or to be commenced |

Endnote 3—Legislation history

| Number and year | Registration | Commencement | Application, saving and transitional provisions |
|-----------------------------------------------------------------------------------------------------------|------------------------------|--------------|-------------------------------------------------|
| Visas Attracting a Subsequent Temporary Application Charge 2016/098 – IMMI 16/098 | 18 Nov 2016 (F2016L01784) | 19 Nov 2016 | |
| Visas Attracting a Subsequent Temporary Application Charge Amendment Instrument 2016/120 – IMMI 16/120 | 23 Nov 2016 (F2016L01791) | 24 Nov 2016 | |

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Endnote 4—Amendment history

| Provision affected | How affected |
|---------------------------|---------------------|
| Schedule 1 table | am F2016L01791 |