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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Migration (Visa Evidence) Charge
(Consequential Amendments) Bill 2012**

No. , 2012

(Immigration and Citizenship)

**A Bill for an Act to make amendments relating to
the enactment of the *Migration (Visa Evidence)
Charge Act 2012*, and for related purposes**

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1 **A Bill for an Act to make amendments relating to**
2 **the enactment of the *Migration (Visa Evidence)***
3 ***Charge Act 2012*, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Migration (Visa Evidence) Charge*
7 *(Consequential Amendments) Act 2012*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	At the same time as section 3 of the <i>Migration (Visa Evidence) Charge Act 2012</i> commences.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.
12

1 **Schedule 1—Amendments**
2

3 ***Migration Act 1958***

4 **1 Subsection 5(1)**

5 Insert:

6 *visa evidence charge* means visa evidence charge imposed by the
7 *Migration (Visa Evidence) Charge Act 2012*.

8 **2 Subsection 5(1)**

9 Insert:

10 *visa evidence charge limit* for a request made under section 70 has
11 the meaning given by the *Migration (Visa Evidence) Charge Act*
12 *2012*.

13 **3 Sections 70 and 71**

14 Repeal the sections, substitute:

15 **70 Request for evidence of a visa**

- 16 (1) Any of the following persons may request to be given a prescribed
17 form of evidence of a visa at any time while the visa is in effect:
18 (a) the non-citizen who holds the visa;
19 (b) a parent or guardian of the non-citizen who holds the visa if
20 the non-citizen is a minor or the non-citizen is incapable of
21 managing his or her affairs;
22 (c) a person authorised, in writing, by the non-citizen who holds
23 the visa to make a request under this section on the
24 non-citizen’s behalf.
- 25 (2) The request must:
26 (a) be made in the prescribed way; and
27 (b) be lodged at the prescribed place; and
28 (c) be accompanied by the amount of visa evidence charge
29 payable in relation to the request.
- 30 (3) The person may withdraw the request at any time before the
31 prescribed form of evidence of the visa is given.
-

1 **71 Liability to pay visa evidence charge**

- 2 (1) A person who makes a request under section 70 is liable to pay
3 visa evidence charge.
- 4 (2) The amount of visa evidence charge is the prescribed amount
5 which must not exceed the visa evidence charge limit for the
6 request.
- 7 (3) Without limiting subsection (2), regulations made for the purposes
8 of that subsection may do any one or more of the following:
- 9 (a) specify a different amount of visa evidence charge for
10 different prescribed forms of evidence of a visa;
- 11 (b) specify a different amount of visa evidence charge in relation
12 to different classes of visas;
- 13 (c) specify a different amount of visa evidence charge for
14 different methods of payment of the charge;
- 15 (d) specify a different amount of visa evidence charge where the
16 person elects to have the request dealt with expeditiously;
- 17 (e) specify a different amount of visa evidence charge for
18 requests made in different circumstances;
- 19 (f) specify circumstances in which the amount of the visa
20 evidence charge is nil;
- 21 (g) specify a way for working out the amount of visa evidence
22 charge.

23 **71A Officer must give evidence of a visa**

- 24 (1) If:
- 25 (a) a person makes a request under section 70 in relation to a
26 visa; and
- 27 (b) the amount of visa evidence charge for the request has been
28 paid;
- 29 an officer must, within a reasonable time after the request is made,
30 give the person a prescribed form of evidence of the visa.
- 31 (2) Subsection (1) does not apply if:
- 32 (a) the request has been withdrawn; or
33 (b) the visa has ceased to be in effect.

71B Regulations about visa evidence charge1
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- (1) The regulations may make provision for, or in relation to, any of the following matters relating to the visa evidence charge:
- (a) the circumstances in which a prescribed form of evidence of a visa may be requested or given;
 - (b) the method of payment (including the currency in which the charge must be paid);
 - (c) the persons who may be paid the charge on behalf of the Commonwealth;
 - (d) the remission, refund or waiver (in whole or in part) of the charge;
 - (e) the exemption (in whole or in part) of a person from the liability to pay the charge.
- (2) If the regulations provide that a prescribed form of evidence of a visa may be given by endorsing a valid passport, or other valid travel document, that has been issued to:
- (a) a non-citizen; or
 - (b) another non-citizen associated with that non-citizen;
- the Minister may direct, in writing, that a specified document is not to be taken to be a passport or travel document for the purposes of the regulations.
- (3) A direction under subsection (2) is not a legislative instrument.