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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

Schedule 1—Amendments

Migration Act 1958

1 Subsection 5(1)

Insert:

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

2 Subsection 5(1)

Insert:

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

3 Sections 70 and 71

Repeal the sections, substitute:

70 Request for evidence of a visa

- (1) Any of the following persons may request to be given a prescribed form of evidence of a visa at any time while the visa is in effect:
 - (a) the non-citizen who holds the visa;
 - (b) a parent or guardian of the non-citizen who holds the visa if the non-citizen is a minor or the non-citizen is incapable of managing his or her affairs;
 - (c) a person authorised, in writing, by the non-citizen who holds the visa to make a request under this section on the non-citizen's behalf.
 - (2) The request must:
 - (a) be made in the prescribed way; and
 - (b) be lodged at the prescribed place; and
 - (c) be accompanied by the amount of visa evidence charge payable in relation to the request.
 - (3) The person may withdraw the request at any time before the prescribed form of evidence of the visa is given.
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71 Liability to pay visa evidence charge

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

71A Officer must give evidence of a visa

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

71B Regulations about visa evidence charge

- (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.