

1997

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE BILL 1997

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Immigration and Multicultural Affairs,
the Hon. Philip Ruddock MP)

89711 Cat.No. 97 1252 6 ISBN 0644 51092 7

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE BILL 1997**OUTLINE**

- 1 The Migration Agents Registration Application Charge Bill 1997 (the Bill) imposes a charge on applications by individuals for registration as migration agents.
- 2 The Bill is part of a Government initiative to implement a statutory-based self-regulatory scheme to regulate the conduct of migration agents. This scheme will be implemented through the amendments to Part 3 of the *Migration Act 1958* contained in the Migration Legislation Amendment (Migration Agents) Bill 1997.
- 3 The Bill replaces the provisions in the *Migration Agents Registration (Application) Levy Act 1992* which require all agents making an application for registration to pay a levy. The *Migration Agents Registration (Application) Levy Act 1992* will be repealed by the Migration Legislation Amendment (Migration Agents) Bill 1997.
- 4 An important feature of the Bill is that it will establish a ceiling for the maximum amount of charge that may be prescribed under the regulations. The Bill also provides a mechanism for indexing this ceiling in accordance with annual movements in the Consumer Price Index.

FINANCIAL IMPACT STATEMENT

- 5 The Bill is budget neutral. The overall system of statutory self-regulation for the migration advice industry will be fully funded by charges paid by persons seeking registration or renewal of registration as migration agents.
- 6 The charge limit set out in the Bill is slightly lower than that currently allowed under the *Migration Agents Registration (Application) Levy Act 1992* (\$1,100 as opposed to \$1,115).

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE BILL 1997**NOTES ON INDIVIDUAL CLAUSES****Clause 1 Short Title**

1 The short title by which the Act will be known is the *Migration Agents Registration Application Charge Act 1997*.

Clause 2 Commencement

2 This clause provides that the Act commences on 21 March 1998.

Clause 3 Definitions

3 This clause defines the terms "charge limit" and "registration application" for the purposes of the Act.

Clause 4 Imposition of charge

4 This clause imposes a charge on an individual's making of an application for registration as a migration agent. The charge is imposed only on registration applications made on or after 21 March 1998.

Clause 5 Who must pay charge?

5 This clause provides that the individual making the registration application must pay the charge.

Clause 6 Amount of charge

6 This clause provides for the amount of the charge payable to be prescribed by the regulations. The regulations may prescribe different amounts for different kinds of individuals, but not an amount more than the charge limit for the application.

Clause 7 What is the charge limit?

7 This clause sets a \$1,100 charge limit for an application for registration in the current financial year, and sets out an indexation formula for calculating the charge limit after 30 June 1998.

8 Subclauses 7(2) and (3) provide the mechanism by which the charge limit will be indexed each financial year according to upwards movements in the Consumer Price Index (CPI) during the preceding calendar year. Calendar year movements in the CPI are used in the

formula so as to ensure that the necessary regulations can be made before the commencement of each new financial year. The charge limit is not affected by falls in the CPI.

9 Subclause 7(4) controls rounding of the indexation factor to 3 decimal places.

10 Subclause 7(5) ensures that consistent CPI figures are used to index the charge limit from one year to the next.

Clause 8 Regulations

11 This clause enables regulations to be made prescribing the amount of charge payable in respect of a registration application. This can include different amounts of charge for different kinds of individuals making registration applications.



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