

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

MIGRATION AMENDMENT BILL (NO 3) 1992  
MIGRATION AGENTS REGISTRATION (APPLICATION) LEVY BILL 1992  
MIGRATION AGENTS REGISTRATION (RENEWAL) LEVY BILL 1992

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

Amendments and Requests for Amendments to be  
Moved on behalf of the Government

(Circulated by authority of the  
Minister for Immigration,  
Local Government and Ethnic Affairs,  
The Hon G Hand MP)

**MIGRATION AMENDMENT BILL (NO 3) 1992**  
**MIGRATION AGENTS REGISTRATION (APPLICATION) LEVY BILL 1992**  
**MIGRATION AGENTS REGISTRATION (RENEWAL) LEVY BILL 1992**

**OUTLINE**

The amendments will reduce the application and renewal fees payable by applicants and agents who give paid immigration assistance in relation to five or fewer cases during the period of registration. The fees will be reduced to ten percent of the levels currently provided for in the bills, ie a principal who deals with five or fewer cases will be liable for a fee of \$100; an employee who deals with five or fewer cases will be liable for a fee of \$50.

2 The amendments will also exempt from the scope of the bills those persons who give immigration assistance as diplomats, consular officials, or representatives of international organisations such as the United Nations High Commissioner for Refugees.

**FINANCIAL IMPACT STATEMENT**

3 The amendments, by allowing applicants or agents to pay the lesser fee in anticipation of dealing with five or fewer cases, will affect anticipated cash flows. The amendments require the balance of the fee to be paid within two months of the agent dealing with a sixth case. Although there will be some overall reduction in the level of revenue raised by the bills, the major effect of the proposed amendments is an expected deferral in the timing of revenue collections.

## **NOTES ON SUPPLEMENTARY CLAUSES**

### **MIGRATION AMENDMENT BILL (NO 3) 1992**

#### **AMENDMENT No 1 - Clause 4, page 2, proposed section 114A**

1 This amendment inserts a definition of 'immigration case'. The concept is used as the basis for allowing migration agents who deal with five or fewer 'immigration cases' per year to pay a lower registration fee.

2 The term 'immigration case' is defined to mean an 'entrance application' (a defined term), lodged by an 'entrance applicant' (also defined). The definition also extends to multiple applications lodged by an entrance applicant at the same time. Further, the definition extends to multiple applications lodged at the same time by different members of a family unit. Family unit is defined in the Migration Regulations to mean spouses, dependent children and certain other dependent relatives.

3 The definition therefore reflects the actual operation of a migration agent's business, eg an agent may, for a single fee, lodge a number of applications on behalf of a client at the same time. It would negate the intended concessions to migration agents (see the amendments to the taxing bills below) if each application was to be counted separately in determining when the agent becomes liable for the higher fee.

#### **AMENDMENT No 2 - Clause 4, page 2, proposed section 114A**

4 This amendment inserts a definition of 'paid immigration assistance'. It is only immigration assistance for which a fee or other reward is charged which is taken into account in determining whether a migration agent is entitled to the lower registration fee.

#### **AMENDMENT No 3 - Clause 4, page 4, proposed section 114F**

5 This amendment inserts two subsections which have the effect of removing diplomats, consular officials, and representatives of certain international organisations from the scope of the bill, ie those persons can give immigration assistance without being registered under this bill.

6 The amendments are being inserted to address a concern that there may be occasions when the assistance offered by foreign missions in Australia to their nationals would amount to the giving of 'immigration assistance' as defined in the bill. The amendments will also ensure that the work of international organisations such as the United Nations High Commissioner for Refugees is not in any way affected by the bill.

**AMENDMENT No 4 - Clause 4, page 7, proposed subsection 114P(3)**

7 This amendment will require application forms to require that applicants who opt to pay the lower registration fee must provide an estimate of the extent of the applicant's proposed immigration assistance. If false or misleading statements are made, disciplinary action may be taken against the agent under proposed section 114ZE of the bill.

**AMENDMENT No 5 - Clause 4, page 7, proposed section 114Q**

8 This amendment permits applicants to opt to pay the lower registration fee in anticipation of providing paid immigration assistance in relation to five or fewer immigration cases during the period of registration. For the purposes of proposed section 114Q an application will be regarded as a valid application provided that the lower application fee is paid.

**AMENDMENT No 6 - Clause 4, page 10, proposed section 114ZC**

9 This amendment allows an agent to opt to pay the lower fee for renewal of registration if the agent proposes to provide paid immigration assistance in relation to five or fewer immigration cases during the period for which registration is renewed. Proposed section 114ZC, which provides for the notification of agents prior to renewal, will be amended accordingly.

**AMENDMENT No 7 - Clause 4, page 10, proposed section 114ZD**

10 This amendment provides for the deregistration of agents who, having provided paid immigration assistance in relation to a sixth immigration case, do not pay the balance of the fee within two months of giving the immigration assistance in relation to that case. Agents in this position will be deregistered by having their names removed from the Register.

**AMENDMENT No 8 - Clause 4, page 13,  
proposed subsection 114ZP(2)**

11 This amendment mirrors Amendment No 4, by requiring agents whose registration is renewed, and who opt to pay the lower fee, to notify the Migration Agents Registration Board, within two months of the renewal, of the estimated extent of immigration assistance that will be given by that agent during the period of registration.

**MIGRATION AGENTS REGISTRATION (APPLICATION) LEVY BILL 1992**

**AMENDMENT No 1 - Clause 3, page 1, line 10**

1 This amendment provides that the terms 'immigration case', and 'paid immigration assistance' are to have the same meaning as in the Migration Amendment Bill (No 3) 1992.

**AMENDMENT No 2 - Clause 6, page 2, line 11**

2 This amendment omits clause 6 and substitutes a new clause 6. The new clause allows applicants who:

- (1) propose to give paid immigration assistance in no more than five immigration cases; and
- (2) give paid immigration assistance in no more than five immigration cases;

to pay a lower fee (10 percent of the fee which would otherwise be payable).

3 The fee structure imposed by the amended bill will be as follows:

- application fee for principal who proposes to give and in fact gives, paid immigration assistance in five or fewer immigration cases during the period of registration \$100
- application fee for employee who proposes to give, and in fact gives, paid immigration assistance in five or fewer immigration cases during the period of registration \$50
- application fee for principal who gives paid immigration assistance in more than five immigration cases during the period of registration. \$1000
- application fee for employee who gives paid immigration assistance in more than five immigration cases during the period of registration. \$500

**MIGRATION AGENTS REGISTRATION (RENEWAL) LEVY BILL 1992**

**AMENDMENT No 1 - Clause 3, page 1, line 10**

1 This amendment provides that the terms 'immigration case', and 'paid immigration assistance' are to have the same meaning as in the Migration Amendment Bill (No 3) 1992.

**AMENDMENT No 2 - Clause 6, page 2, line 8**

2 This amendment omits clause 6 and substitutes a new clause 6. The new clause allows agents who:

- (1) propose to give paid immigration assistance in no more than five immigration cases; and
- (2) give paid immigration assistance in no more than five immigration cases

to pay a lower fee (10 percent of the fee which would otherwise be payable).

3 The fee structure imposed by the amended bill will be as follows:

- renewal fee for a principal who proposes to give, and in fact gives, paid immigration assistance in five or fewer immigration cases during the period of registration \$100
- renewal fee for an employee who proposes to give, and in fact gives, paid immigration assistance in five or fewer immigration cases during the period of registration \$50
- renewal fee for a principal who gives paid immigration assistance in more than five immigration cases during the period of registration \$1000
- renewal fee for an employee who gives paid immigration assistance in more than five immigration cases during the period of registration. \$500

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