

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 1996

EXPLANATORY MEMORANDUM

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



MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 1996**OUTLINE****Overview**

1 The Migration Legislation Amendment Bill (No. 1) 1996 ("the Bill") seeks to amend the *Migration Act 1958* ("the Migration Act") to extend the duration of the Migration Agents Registration Scheme ("MARS").

2 Part 3 of the Migration Act provides a comprehensive scheme (MARS) to regulate the conduct of migration agents. Pursuant to section 333 of the Act, MARS will cease to be in force at the end of 4 years after the commencement of the *Migration Amendment Act (No.3) 1992*. That Act, which established MARS, commenced on 21 September 1992 with the effect that MARS was to cease operation at the end of three years. However, in 1995, the *Migration Legislation Amendment Act (No. 5) 1995* extended MARS for another year, until 21 September 1996.

3 The Bill seeks to amend the Migration Act to provide that MARS continue to operate for a further one year, that is, until 21 September 1997 to allow the Government time to review the scheme, having regard to the prospect for enhanced self-regulation by the migration advice industry.

FINANCIAL IMPACT STATEMENT

4 As a result of the amendments relating to the extension of MARS, running costs for MARS will continue to be met from revenue received from applications for registration and renewal of registration, and existing appropriations.

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 1996**NOTES ON INDIVIDUAL CLAUSES****Clause 1 Short Title**

1 This clause provides that the Act may be cited as the *Migration Legislation Amendment Act (No. 1) 1996*.

Clause 2 Commencement

2 This clause provides that this Act commences on the day on which it receives the Royal Assent.

Clause 3 Schedule(s)

3 This clause provides that the Acts specified in a Schedule are amended or repealed in accordance with the applicable items in that Schedule and any other item in a Schedule has effect according to its terms.

SCHEDULE 1 - Amendment of the Migration Act 1958**Item 1 Division 7 of Part 3 (heading)**

4 This item repeals the existing heading and substitutes "Division 7-Part to last 5 years".

Item 2 Subsection 333(1)

5 This item omits "4 years" and substitutes "5 years" as the period when Part 3 of the Migration Act will cease to be in force. The five year period will end on 21 September 1997.

Item 3 Subsection 333(4)

6 This item omits "3 years" and substitutes "4 years". Fees are paid on an annual basis. If the scheme is terminated after five years, this amendment will enable the partial refund of application fees and renewal fees which have been paid in the last year of the scheme. The four years will end on 21 September 1996.

