

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 4 November 1992

*(Minister for Immigration, Local Government and Ethnic Affairs)*

**A BILL**

FOR

**An Act to impose a charge on applications for certain  
visas and entry permits by certain persons needing  
instruction in the English language**

The Parliament of Australia enacts:

**Short title**

1. This Act may be cited as the *Immigration (Education) Charge Act 1992*.

5 **Commencement**

2. This Act commences on 1 March 1993.

**Interpretation**

10 3.(1) In this Act, unless the contrary intention appears, an expression defined for the purposes of the *Migration Act 1958* has the same meaning as in that Act.

(2) In this Act, unless the contrary intention appears:

**“English Education Charge”** means the charge imposed by section 5;

**“exempt entry permit”** means:

- (a) an entry permit, a criterion for the grant of which is that the Minister is satisfied that:
  - (i) permanent settlement in Australia is the appropriate course for the applicant; and 5
  - (ii) such settlement would not be contrary to the interests of Australia; or
- (b) an entry permit applied for by a person on the ground that he or she is the spouse, dependent child or aged parent of: 10
  - (i) an Australian citizen; or
  - (ii) a permanent resident; or
- (c) an entry permit prescribed for the purposes of this definition;

**“exempt visa”** means:

- (a) a visa, a criterion for the grant of which is that the Minister is satisfied that: 15
  - (i) permanent settlement in Australia is the appropriate course for the applicant; and
  - (ii) such settlement would not be contrary to the interests of Australia; or 20
- (b) a visa applied for by a person on the ground that he or she is the spouse, dependent child or aged parent of:
  - (i) an Australian citizen; or
  - (ii) a permanent resident; or
- (c) a visa prescribed for the purposes of this definition; 25

**“permanent resident”** means a person who is usually resident in Australia and whose continued lawful presence in Australia is not subject to a limitation as to time imposed by law;

**“stay visa”** means:

- (a) a permanent entry permit; or 30
- (b) a visa that enables a person, after having entered Australia in accordance with the visa, to remain permanently in Australia.

#### **Act to extend to certain Territories**

4. This Act extends to the Territories to which the *Migration Act 1958* extends. 35

#### **Imposition of English Education Charge**

5. English Education Charge is imposed in respect of an application by a non-citizen if:

- (a) the application is for a stay visa and is made on or after 1 January 1993; and 40
- (b) the Minister has given the applicant a notice including a statement of the kind mentioned in paragraph 24(3)(ab) of the

*Migration Act 1958* or a notice under paragraph 24(6)(aa) or 34(3)(aa) of that Act; and

- (c) the applicant is not exempt from the charge in respect of the application because of section 7.

5 **Amount of English Education Charge**

6. Subject to this section, the amount of English Education Charge in respect of an application is the amount, not exceeding \$4,080, prescribed in relation to the class of applicants of which the applicant is a member.

10 **Exemptions from English Education Charge**

7.(1) English Education Charge is not payable:

- (a) in respect of an application for an exempt visa; or
- (b) in respect of an application for an exempt entry permit.

(2) English Education Charge is not payable:

- 15 (a) in respect of an application if the applicant withdraws the application before the charge is paid; or
- (b) in respect of an application by a person who has previously paid the charge in respect of another application for a visa or entry permit and has not received a refund of the payment; or
- 20 (c) in respect of an application by a person who is a permanent resident at the time of the application.

**Applicant to pay charge**

8. English Education Charge in respect of an application is payable by the applicant.

25 **Delegation**

9. The Minister may, by signed instrument, delegate any or all of his or her powers under this Act to an officer of the Department.

**Regulations**

- 30 10. The Governor-General may make regulations prescribing matters:
  - (a) required or permitted to be prescribed by this Act; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.



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