

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MIGRATION AMENDMENT BILL 1991

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of
the Government

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

MIGRATION AMENDMENT BILL 1991

GENERAL OUTLINE AND FINANCIAL IMPACT STATEMENT

The proposed amendments to the Bill will:

- . allow parts of the Bill to come into effect on Proclamation rather than Royal Assent;
- . require the gazettal of any decision of the Minister to authorise a person to be an 'officer' for the purposes of the Act;
- . require visa and entry permit application forms to include a requirement for a declaration about the applicant's character or conduct or both, and impose a sanction for the making of a false or misleading statement in such a declaration; and
- . correct a technical defect in the Bill.

The amendments will have a negligible financial impact.

NOTES ON AMENDMENTS AND NEW CLAUSES

Amendment (1)

Clause 2

This amendment will insert a new commencement clause to allow some parts of the Bill to come into effect on Proclamation rather than Royal Assent. The new clause also provides for automatic commencement of any provisions of the Act which remain unproclaimed six months after the date of Royal Assent. The amendment is sought to allow adequate time for the revision of visa and entry permit application forms (consequent to new subsections 24(1A) and 34(1A)). The amendment will also allow more time for the preparation of necessary consequential regulations.

Amendments (2) and (3)

Clause 3

The amendment to subclause 3(d) - which expands the definition of 'officer' - would require gazettal of any decision of the Minister to authorise a person to be an 'officer' for the purposes of the Act. The existing provision in the Bill merely requires that such persons be authorised in writing.

The amendment to proposed paragraphs 4(28)(a) and (b) will correct a technical defect in the Bill.

Amendments (4) and (5) Clause 8

The proposed amendments to clause 8 are consequential upon Amendment 6 below. The effect of the amendments is that a person who makes, or causes to be made, a false or misleading statement in a declaration about character or conduct will become an illegal entrant pursuant to subsection 14(2) of the Act.

Amendment (6) New clauses 9A and 9B

Clauses 9A and 9B will require all visa and entry permit application forms to include a requirement for a declaration about the applicant's character or conduct or both. All non-citizen applicants or, in some cases, another person on the applicant's behalf (for example, parents of children), will be required to make the declaration. The making of the declaration will, by virtue of subsections 24(2) and 34(2), be a precondition to the existence of a grantable application. The new clauses will enhance existing administrative practice by making such declarations a statutory requirement and linking false and misleading statements directly to the sanctions provided in subsection 14(2) of the Act.

Amendment (7) Clause 19

This amendment will omit clause 19. The amendment is consequential upon amendment 6 which locates the requirement to make declarations about character or conduct in sections 24 and 34 rather than in a new section as proposed in clause 19.