



Migration (Skilling Australians Fund) Charges Regulations 2018

made under the

Migration (Skilling Australians Fund) Charges Act 2018

Compilation No. 2

Compilation date: 7 December 2024

Includes amendments: F2024L01589

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Migration (Skilling Australians Fund) Charges Regulations 2018* that shows the text of the law as amended and in force on 7 December 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1	Name	1
3	Authority	1
4	Definitions.....	1
5	Amount of nomination training contribution charge—Subclasses 457 and 482	1
5A	Amount of nomination training contribution charge—Subclass 494.....	2
6	Amount of nomination training contribution charge—Subclasses 186 and 187	3
Endnotes		4
Endnote 1—About the endnotes		4
Endnote 2—Abbreviation key		5
Endnote 3—Legislation history		6
Endnote 4—Amendment history		7

1 Name

This instrument is the *Migration (Skilling Australians Fund) Charges Regulations 2018*.

3 Authority

This instrument is made under the *Migration (Skilling Australians Fund) Charges Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Migration Act;
- (b) nomination;
- (c) nomination training contribution charge.

In this instrument:

Act means the *Migration (Skilling Australians Fund) Charges Act 2018*.

annual turnover, for a nomination, means:

- (a) if the person liable to pay nomination training contribution charge in relation to the nomination operates a business in Australia—the total ordinary income (within the meaning of the *Income Tax Assessment Act 1997*) the person derived in the most recent income year (within the meaning of that Act) ending before the nomination day; or
- (b) in any other case—the total income the person liable to pay nomination training contribution charge in relation to the nomination derived in the ordinary course of business in the most recent financial year ending before the nomination day.

Migration Regulations means the *Migration Regulations 1994*.

nomination day, in relation to a nomination, means the day on which:

- (a) the nomination is made under section 140GB of the Migration Act; or
- (b) the application for approval of the nomination is made under regulation 5.19 of the Migration Regulations.

5 Amount of nomination training contribution charge—Subclasses 457 and 482

- (1) For the purposes of subsection 8(1) of the Act, this section sets out the amount of nomination training contribution charge payable in relation to a nomination, of a kind mentioned in subsection 140ZM(1) of the Migration Act, of a proposed occupation in relation to any of the following:
 - (a) a holder of a Subclass 457 (Temporary Work (Skilled)) visa;
 - (b) a holder of a Subclass 482 (Temporary Skill Shortage) visa;
 - (ba) a holder of a Subclass 482 (Skills in Demand) visa;

Section 5A

- (c) an applicant or a proposed applicant for a Subclass 482 (Skills in Demand) visa.

Note: Nominations of a kind mentioned in subsection 140ZM(1) of the Migration Act relate to temporary visas: see regulation 5.42 of the Migration Regulations.

- (2) Unless subsection (3) applies, the amount of nomination training contribution charge is the amount worked out using the formula:

Base amount × Visa period

where:

base amount is:

- (a) if the annual turnover for the nomination is less than \$10,000,000—\$1,200;
or
(b) in any other case—\$1,800.

visa period is the number of years in the period of stay proposed in the nomination.

Note: The proposed period of stay may be 1, 2, 3 or 4 years: see subregulation 2.73(10) of the Migration Regulations.

- (3) The amount of nomination training contribution charge is nil if:
- (a) the nomination is for a Subclass 482 (Skills in Demand) visa in the Labour Agreement stream; and
- (b) the proposed occupation is minister of religion or religious assistant.

5A Amount of nomination training contribution charge—Subclass 494

- (1) For the purposes of subsection 8(1) of the Act, this section sets out the amount of nomination training contribution charge payable in relation to a nomination, of a kind mentioned in subsection 140ZM(1) of the Migration Act, of a proposed occupation in relation to either of the following:

- (a) a holder of a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa;
- (b) an applicant or a proposed applicant for a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa.

Note: Nominations of a kind mentioned in subsection 140ZM(1) of the Migration Act relate to temporary visas: see regulation 5.42 of the Migration Regulations.

- (2) If paragraph (1)(a) applies, and subsection (4) does not apply, the amount of nomination training contribution charge is the amount worked out using the formula:

Base amount × $\frac{5 - \text{Elapsed years in visa period}}{5}$

where:

base amount is:

- (a) if the annual turnover for the nomination is less than \$10,000,000—\$3,000;
or
- (b) in any other case—\$5,000.

elapsed years in visa period is the number of whole years in the period:

- (a) starting on the date of grant of the visa mentioned in paragraph (1)(a); and
- (b) ending on the nomination day in relation to the nomination.

- (3) If paragraph (1)(b) applies, and subsection (4) does not apply, the amount of nomination training contribution charge is:
 - (a) if the annual turnover for the nomination is less than \$10,000,000—\$3,000;
or
 - (b) in any other case—\$5,000.
- (4) The amount of nomination training contribution charge is nil if:
 - (a) the nomination is for a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa in the Labour Agreement stream; and
 - (b) the proposed occupation is minister of religion or religious assistant.

6 Amount of nomination training contribution charge—Subclasses 186 and 187

- (1) For the purposes of subsection 8(1) of the Act, this section sets out the amount of nomination training contribution charge payable in relation to a nomination of a kind mentioned in subsection 140ZM(2) of the Migration Act.

Note: Nominations of a kind mentioned in subsection 140ZM(2) of the Migration Act relate to permanent visas: see regulation 5.42 of the Migration Regulations.

- (2) Unless subsection (3) applies, the amount of nomination training contribution charge is:
 - (a) if the annual turnover for the nomination is less than \$10,000,000—\$3,000;
or
 - (b) in any other case—\$5,000.
- (3) The amount of nomination training contribution charge is nil if:
 - (a) the nomination relates to a Subclass 186 (Employer Nomination Scheme) visa in the Labour Agreement stream; and
 - (b) the application for approval of the nomination identifies the occupation of minister of religion or religious assistant.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Migration (Skilling Australians Fund) Charges Regulations 2018	6 Aug 2018 (F2018L01092)	12 Aug 2018 (s 2(1) item 1)	
Migration (Skilling Australians Fund) Charges Amendment (Subclass 494 Visa) Regulations 2019	8 Apr 2019 (F2019L00553)	16 Nov 2019 (s 2(1) item 1)	—
Migration (Skilling Australians Fund) Charges Amendment (Subclass 482 (Skills in Demand) Visa) Regulations 2024	6 Dec 2024 (F2024L01589)	7 Dec 2024 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 5.....	am F2019L00553; F2024L01589
s 5A.....	ad F2019L00553
