Migration Amendment Bill 1988

Date Introduced: 25 May 1988
House: House of Representatives

Digest of Bill

Purpose

To abolish the immigration clearance fee, to change the definition of 'officer' and to bring the power to grant an entry permit into line with the power to grant a visa.

Background

An immigration clearance fee was introduced into the Migration Act 1958 in 1987. Adult passengers entering Australia on international flights after 1 January 1988 were to pay a $5 fee and the carriers were to be responsible for collecting it and paying the Commonwealth. In the first two months of the scheme's operation about 160,000 passengers avoided paying the fee and the Government insisted that the airlines make up the revenue shortfall. Many claimed the fee might affect tourism; the airlines argued that it was difficult to collect; and 27 operators challenged the fee's validity in the High Court. The amendments proposed in the Bill will abolish the fee. The intention is that a $5 share of the new, reduced Departure Tax of $10 be notionally allocated towards the costs incurred in processing international passengers. The amendments do not affect the airlines' liability to remit to the Commonwealth the fees payable by passengers carried to Australia before 30 June 1988.

The Migration Act 1958 gives officers of the Department of Immigration, Local Government and Ethnic Affairs and officers, who for the purposes of the Customs Act 1901, are exercising powers granted by the Migration Act 1958, a wide range of powers. These include the power to issue an entry permit to a person seeking entry to Australia, to assist a
person suspected of being a prohibited non-citizen and to search aircraft and ships for persons suspected of seeking to enter Australia illegally. The amendments proposed in the Bill give the Minister the discretion to exclude an officer or a class of officers from the exercise of certain powers. The intention is that powers flow from administrative necessities and appropriate responsibilities.

The amendments to the Act will also provide that only a person authorised by the Minister can issue an entry permit to a person seeking entry to Australia. The intention is to bring the power to grant an entry permit into line with the power to grant a visa.

Main Provisions

The amendments came into operation on 1 July 1988.

Clause 3 enables the Minister to specify an officer as being excluded from the Act's definition of 'officer', and Clause 4 provides that only authorised officers may grant entry permits to non-citizens.

Clause 5 repeals the Section of the Act which established the Immigration Clearance Fee, and Clause 6 abolishes the Governor-General's power to make certain regulations relating to the fee.

For further information, if required, contact the Education and Welfare Group.

11 July 1988

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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