



## **Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 June 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Home Affairs  
Minister for Immigration and Border Protection

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## Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
	<b>Schedule 1—Lodgement of partner and parent visa applications</b>	<b>2</b>
	<i>Migration Regulations 1994</i>	2
	<b>Schedule 2—Maximum age limit for partner points in the general skilled migration program</b>	<b>6</b>
	<i>Migration Regulations 1994</i>	6
	<b>Schedule 3—Credit card surcharge</b>	<b>7</b>
	<i>Australian Citizenship Regulation 2016</i>	7
	<i>Customs Regulation 2015</i>	7
	<i>Migration Regulations 1994</i>	7
	<b>Schedule 4—Payment of fees</b>	<b>8</b>
	<i>Australian Citizenship Regulation 2016</i>	8



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## 1 Name

This instrument is the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2018.	1 July 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Australian Citizenship Act 2007*;
- (b) the *Customs Act 1901*;
- (c) the *Migration Act 1958*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Lodgement of partner and parent visa applications**

### ***Migration Regulations 1994***

#### **1 Subitem 1124(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **2 Paragraphs 1124(3)(a) and (aa) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **3 Subitem 1124A(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **4 Paragraph 1124A(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **5 Paragraph 1124A(3)(bb) of Schedule 1**

Repeal the paragraph.

#### **6 Subitem 1124B(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **7 Paragraph 1124B(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

#### **8 Paragraph 1124B(3)(ca) of Schedule 1**

Repeal the paragraph.

**9 Subparagraph 1124B(3)(e)(ii) of Schedule 1**

Omit “an approved form 40SP or 40SP (Internet)”, substitute “the approved form specified by the Minister in a legislative instrument made for this subparagraph under subregulation 2.07(5)”.

**10 Subitem 1129(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**11 Paragraphs 1129(3)(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**12 Paragraph 1129(3)(f) of Schedule 1**

Repeal the paragraph.

**13 Subitem 1130(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**14 Paragraphs 1130(3)(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**15 Paragraph 1130(3)(c) of Schedule 1**

Omit all the words after “relevant applicant’s”, substitute “application may be made at the same time and place as, and combined with, the application made by the other applicant”.

**16 Subitem 1130A(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**17 Paragraph 1130A(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**18 Paragraph 1130A(3)(ba) of Schedule 1**

Repeal the paragraph.

**19 Subitem 1214C(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**20 Paragraph 1214C(3)(b) of Schedule 1**

Repeal the paragraph, substitute:

- (b) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**21 Paragraph 1214C(3)(fa) of Schedule 1**

Repeal the paragraph.

**22 Subitem 1215(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**23 Paragraph 1215(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**24 Subitem 1220A(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**25 Paragraph 1220A(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**26 Subitem 1221(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**27 Paragraph 1221(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).



**28 Paragraph 1221(3)(d) of Schedule 1**

Repeal the paragraph.

**29 Subitem 1221A(1) of Schedule 1**

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**30 Paragraph 1221A(3)(a) of Schedule 1**

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

**31 Paragraphs 1221A(3)(da) and (e) of Schedule 1**

Repeal the paragraphs.

**32 In the appropriate position in Schedule 13**

Insert:

**Part 71—Amendments made by the Home Affairs  
Legislation Amendment (2018 Measures No. 1)  
Regulations 2018**

**7101 Operation of Schedule 1**

The amendments of these Regulations made by Schedule 1 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* apply in relation to an application for a visa made on or after 1 July 2018.

## **Schedule 2—Maximum age limit for partner points in the general skilled migration program**

### ***Migration Regulations 1994***

#### **1 Part 6D.11 of Schedule 6D (table item 6D111, column headed “Qualification”, paragraph (c))**

Omit “50”, substitute “45”.

#### **2 At the end of Part 71 of Schedule 13**

Add:

#### **7102 Operation of Schedule 2**

The amendment of these Regulations made by Schedule 2 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application for a visa made on or after 1 July 2018 in response to an invitation given by the Minister on or after that day.

## **Schedule 3—Credit card surcharge**

### ***Australian Citizenship Regulation 2016***

#### **1 Subparagraph 16(1)(b)(i)**

Omit “0.98%”, substitute “1.32%”.

### ***Customs Regulation 2015***

#### **2 Paragraph 150B(2)(a)**

Omit “0.98%”, substitute “1.32%”.

### ***Migration Regulations 1994***

#### **3 Paragraph 5.41A(2)(a)**

Omit “0.98%”, substitute “1.32%”.

## Schedule 4—Payment of fees

### *Australian Citizenship Regulation 2016*

#### **1 Subsection 16(7)**

Repeal the subsection, substitute:

(7) In this section:

*conversion instrument* means the *Migration (IMMI 18/063: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2018* made for the purposes of paragraph 5.36(1A)(a) of the *Migration Regulations 1994* and as in force on 1 July 2018.

*places and currencies instrument* means the *Migration (IMMI 18/064: Places and Currencies for Paying of Fees) Instrument 2018* made for the purposes of paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* and as in force on 1 July 2018.

#### **2 In the appropriate position in Part 4**

Insert:

#### **21 Application of amendment made by Schedule 4 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018***

The amendment of section 16 made by Schedule 4 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application made on or after 1 July 2018.