

Migration (1993) Regulations (Amendment) 1993 No. 175

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 175

Issued by the Authority of the Minister for Immigration and Ethnic Affairs

Migration Act 1958

Migration (1993) Regulations (Amendment)

Section 181 of the Migration Act 1958 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, to prescribe all matters which are required or permitted by the Act to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, regulations are prescribed pursuant to the following powers:

- section 22AB of the Act provides that regulations may prescribe the procedure for the determination of refugee status;
- subsection 166JF(3) of the Act provides that the regulations may provide for the remuneration and allowances of members of the Refugee Review Tribunal (the RRT) other than the Principal Member.

The purpose of the Regulations is to provide,

in Regulation 1, for these regulations to commence on 1 July 1993.

Part 4A of the Act, which was inserted by the Migration Reform Act 1992, incorporated into the Act a regime for reviewing decisions on refugee status applications and decisions on applications for visas and entry permits for which one of the criteria is that the applicant is a person to whom Australia has protection obligations under the Convention and Protocol Relating to the Status of Refugees, and for the creation of the RRT to conduct such reviews. Divisions 1, 9 and 10 of Part 4A relate to the establishment and membership of the RRT and commenced operation on 17 December 1992. Divisions 2 to 8 of Part 4A relate to the operation of the RRT and will commence operation on 1 July 1993.

The commencement of these regulations coincides with the commencement of those provisions of the Migration Reform Act 1992 which relate to the operation of the RRT.

in Regulation 2, for the Migration (1993) Regulations to be amended as set out in these Regulations.

in Regulation 3, for the insertion of a new regulation 2A. 10A in Division 2 of Part 2A -Determination of Refugee Status - of the Migration (1993) Regulations

which provides that no application, under Division 2, to review a decision to refuse a refugee status application may be made on or after 1 July 1993. Any such applications will be considered by the RRT under Part 4A of the Act.

in Regulation 4, for the omission of regulation 7.20A of the Migration (1993) Regulations which provided that the first person appointed as a member of the RRT must be paid the maximum remuneration and allowances payable to a holder of an office in the Senior Executive Service of the Australian Public Service classified as SES Band 1. The content of that provision was transferred to regulation 43D of the Migration (Review) (1993) Regulations so that all provisions relating to the RRT are co-located.

The regulations commence on 1 July 1993.