

Migration Amendment Regulations 1999 (No. 8) 1999 No. 132

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 132

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

Migration Act 1958

Migration Amendment Regulations 1999 (No. 8)

Section 504 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 to be prescribed by the Act or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, regulations may be made pursuant to the following power:

- paragraph 504(1)(a) of *the Act* provides that the regulations may provide for the charging and recovery of fees in respect of any matter under the Act or the regulations.

The purpose of the Regulations is to:

- amend the *Migration Regulations 1994* to extend the sunset clause in subregulation 4.31B(5) so that regulation 4.31B applies in relation to a review of a decision only if the application for review was made on or after 1 July 1997 and before 1 July 2002 (Schedule 1), and
- make technical amendments to correct typographical and other *minor errors*, and remove ambiguities which arose from the simultaneous commencement of earlier Statutory Rules (Schedules 2, 3, 4 and 5).

Details of the Regulations are set out in the Attachment.

The Regulations commence on gazettal, 1 July 1999 or 1 September 1999, as set out in regulation 2.

ATTACHMENT

Regulation 1 - Name of regulations

This regulation provides that these regulations are the *Migration Amendment Regulations 1999* (NO. 8).

Regulation 2 - Commencement

This regulation provides that these regulations commence as follows:

- on gazettal - regulations 1, 2, 4, 5 and 6 and Schedules 2, 3 and 4,
- on 1 July 1999-subregulation 3(1) and Schedule 1;
- on 1 September 1999 - subregulation 3(2) and Schedule 5.

Regulation 3 - Amendment of Migration Regulations 1994

Regulation 3 provides that the *Migration Regulations 1994* are amended as set out in Schedules 1 and 5 to these regulations.

Regulation 4 - Amendment of Migration Amendment Regulations 1999 (No. 4)

This regulation provides that the *Migration Amendment Regulations 1999 (No. 4)* are amended as set out in Schedule 2 to these regulations.

Regulation 5 - Amendment of Migration Amendment Regulations 1999 (No. 5)

This regulation provides that the *Migration Amendment Regulations 1999 (No. 5)* are amended as set out in Schedule 3 to these regulations.

Regulation 6 - Amendment of Migration Amendment Regulations 1999 (No. 6)

This regulation provides that the *Migration Amendment Regulations 1999 (No. 6)* are amended as set out in Schedule 4 to these regulations.

Schedule 1 - Amendment of Migration Regulations 1994 commencing on 1 July 1999

This Schedule amends regulation 4.31B regarding the imposition and waiver of a fee for review by the Refugee Review Tribunal. The amendment to subregulation 4.31B(5) extends the existing 'sunset clause' for a further three years so that regulation 4.31B applies in relation to a review of a decision only if the application for review was made on or after 1 July 1997 and before 1 July 2002.

Schedule 2 - Amendment of Migration Amendment Regulations 1999 (No. 4)

This Schedule makes minor technical amendments to remove an ambiguity in regulation 2. 10 and Part 121 of Schedule 2 to the *Migration Regulations 1994* that has arisen as result of the simultaneous commencement of two different Statutory Rules.

Schedule 3 - Amendment of Migration Amendment Regulations 1999 (No. 5)

Item 1 - Schedule 1. item [1109], new subregulation 2.08C (1)

Item 2 - Schedule 1. item [1109], new paragraph 2.08C (1) (b)

Item 3 - Schedule 1. item [1109], new sub-paragraph 2.08C (1) (c) (i)

These items make technical amendments to correct minor errors in a previous Statutory Rule.

Item 4 - Schedule-1 item [1110]

This item makes a minor technical amendment to remove an ambiguity in regulation 2.10 that has arisen as result of the simultaneous commencement of two different Statutory Rules.

Item 5 - Schedule 1, item [1301], new sub-subparagraph 121.211 (3) (c) (i) (A)

This item makes a technical amendment to correct a minor error in a previous Statutory Rule.

Item 6 - Schedule 1.item [1301], new sub-subparagraph 121.211 (3) (c) (i) (C)

This item makes a minor technical amendment to remove an ambiguity in Part 121 of Schedule 2 to the Migration Regulations *1994* that has arisen as result of the simultaneous commencement of two different Statutory Rules.

Schedule 4 - Amendment of Migration Amendment Regulations *1999* (No. 6)

This Schedule makes technical amendments to correct minor omissions and errors in a previous Statutory Rule.

Schedule 5 - Amendment of Migration Regulations *1994* commencing on 1 September 1999

This Schedule makes technical amendments to correct typographical and spelling errors and minor omissions, and to establish consistent terminology throughout the Regulations.