

EXPLANATORY STATEMENT*Migration Regulations 1994***ARRANGEMENTS FOR VISITOR VISA APPLICATIONS 2016/009***(Item 1236)*

1. Instrument IMMI 16/009 is made under 2.07(5) for item 1236 of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 15/123 (F2015L01448) under subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The purpose of the Instrument is to specify Form 48G (Internet) as an additional lodgement method for applicants seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Approved Destination Status Stream.

Two new travel agents have been added, and five existing agents have been removed from Schedule 4 of the Instrument which specifies the travel agents that an applicant from the People's Republic of China of a Subclass 600 (Visitor) visa in the Approved Destination Status stream, must use as a member of an organised tour if they are intending to travel to Australia,

4. The Instrument operates for the Minister to specify for applicants of the Subclass 600 (Visitor) visa in the Item 1236 Visitor (Class FA) visa, the requirement of an approved form for making an application, the way in which an application must be made and the place at which an application must be made. The instrument specifies under paragraph 2.07(6)(b) of the Regulations different requirements for different classes of applicants. The Minister also specifies the travel agents that an applicant from the Peoples Republic of China of a Subclass 600 (Visitor) visa, must use as a member of an organised tour if they are intending to travel to Australia.

5. Consultation was undertaken with the Department of Foreign Affairs and Trade, Australian Trade Commission and the Ministry of Public Security in the People's Republic of China when making the change to this instrument.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 16837).
7. The Senior Executive Service, Band two, Visa and Citizenship Management Division was delegated the powers contained in subregulation 2.07(5) of the Regulations for item 1236 of Schedule 1 to the Regulations in Instrument of Delegation DEL 16/007, signed on 15 January 2016.
8. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument, IMMI 16/009, commences on 1 July 2016.