

**EXPLANATORY STATEMENT**

*Migration Regulations 1994*

**MIGRATION (IMMI 17/001: PAYMENT OF VISA APPLICATION CHARGES AND FEES IN FOREIGN CURRENCIES) INSTRUMENT 2017**

*(Subregulation 5.36(1A))*

1. Instrument 17/001 is made under subregulation 5.36(1A) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/035 (F2016L00632) under subregulation 5.36(1A) of the Regulations and in accordance with 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 Instrument operates for the Minister to specify foreign currencies and their relevant exchange rates in relation to the Australian Dollar. The Instrument is used to calculate the amount of a fee and a visa application charge (other than a visa application charge payment to which subregulation 5.36(3A) of the Regulations applies) that must be paid in accordance with regulation 5.36 of the Regulations.
4. The purpose of the Instrument is to update the currency exchange rates for the purposes of paragraph 5.36(1A)(a) of the Regulations.
5. Consultation was not necessary for the making of the Instrument. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required for this change (OBPR Reference 21378).

7. The Minister delegated his power in subregulation 5.36(1A) of the Regulations to the Chief Financial Officer, Finance Division, in Instrument of Delegation, DEL 16/067, signed on 9 November 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 commences on 1 January 2017.