

**EXPLANATORY STATEMENT**

*Migration Regulations 1994*

**MIGRATION (IMMI 17/007: CLASS OF PERSONS AND SPECIFIED EVENTS FOR CLASS GG VISA AND SUBCLASS 408 (TEMPORARY ACTIVITY) VISA) INSTRUMENT 2017**

*(subitem 1237(2) and paragraphs 408.229(b) and 408.229(c))*

1. Instrument IMMI 17/007 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of subitem 1237(2) of Schedule 1 to the Regulations, and also under paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations.
2. The Instrument revokes IMMI 16/105 (F2016L01781) under subclause 1404(4) of Schedule 1 to 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 purpose of the Instrument is to specify matters for the making of an application for a Temporary Activity (Class GG) visa and particular criteria relevant to the grant of the corresponding Subclass 408 (Temporary Activity) visa. This is a new visa class and subclass of visa made for the streamlining of temporary activity visas and given effect by the *Migration Amendment (Temporary Activity Visas) Regulation 2016*.
4. The operation of the Instrument is for the Minister to specify the first instalment of the visa application charge for the specified class of persons for a temporary activity (Class GG) visa. New classes of person specified in the Instrument for the purposes of subitem 1237(2) are: accredited participants in the Rugby League World Cup 2017 and participants in the Rugby League World Cup Festival of World Cups. Also specified are applicants of a Subclass 408 (Temporary Activity) visa where the applicant's eligible sponsor or supporter is the Australian Romantic and Classical Orchestra, the Queensland Art Gallery and Gallery of Modern Art, the Australian Grand Prix (where the sponsorship or support relates to the Formula One Australian Grand Prix or the

Australian Motorcycle Grand Prix), PI SBK Pty Ltd (where the sponsorship or support relates to Superbike events), or Major Brisbane Festivals Pty Ltd.

5. The further operation of the Instrument is for the Minister to specify, for an applicant of a Subclass 408 (Temporary Activity) visa, the events that are Australian Government endorsed events, and the class of persons in relation to these events, for the purposes of paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations. The new Australian Government endorsed event for the purposes of paragraph 408.229(b) of Schedule 2 to the Regulations is the Rugby League World Cup 2017, and accredited participants in the World Cup are a specified class of persons for the purposes of paragraph 408.229(c) of Schedule 2 to the Regulations.
6. Prior to making the Instrument, the Department of Immigration and Border Protection undertook consultation with the Department of Health, the Attorney-General's Department, entertainment industry stakeholders, and organisers of the events specified in the instrument.
7. The Office of Best Practice Regulation (OBPR) has been consulted (OBPR Reference: 19898 and 21714). OBPR advised that a Regulatory Impact Statement is not required for the Instrument.
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 the day after it is registered on the Federal Register of Legislation.