

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (IMMI 17/084: Payment of Visa Application Charges and Fees in Foreign Currencies) Amendment Instrument 2017***(Paragraph 5.36(1A)(a))*

1. Instrument IMMI 17/084 is made under paragraph 5.36(1A)(a) of Part 5 of the *Migration Regulations 1994* (the Regulations).
2. The instrument amends Migration (IMMI 17/036: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017 (F2017L00665) under paragraph 5.36(1A)(a) of Part 5 of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Acts Interpretation Act). Subsection 33(3) of the Acts Interpretation Act states that 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. Section 46 of the *Legislation Act 2003* (Legislation Act), provides that if a legislative instrument has been registered, no legislative instrument the same in substance as the original is to be made during the period starting on the day on which the original legislative instrument was registered and, if the original legislative instrument was laid before both Houses on different days, ending at the end of 7 days after the later of those days. Instrument IMMI 17/036 was tabled in the House of Representatives on 15 June 2017 and in the Senate on 19 June 2017. As such, the relevant period referred to in section 46 of the Legislation Act has passed.
4. The amended instrument IMMI 17/036 operates for the Minister to specify foreign currencies and their relevant exchange rates in relation to the Australian Dollar. Instrument IMMI 17/036 is used to calculate the amount of a fee and a visa application charge (other than a visa application charge payment to which paragraph 5.36(3A) of

Part 5 of the Regulations applies) that must be paid in accordance with paragraph 5.36 of Part 5 of the Regulations.

5. The purpose of the instrument IMMI 17/084 is to amend the currency exchange rates for the purposes of paragraph 5.36(1A)(a) of Part 5 of the Regulations. In particular, this instrument amends the exchange rate for the Korean Won.
6. In accordance with paragraph 15J(2)(e) of the Legislation Act consultation was not necessary. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22305).
8. The Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the Instrument of Delegation DEL 17/055, signed on 20 June 2017.
9. 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.
10. The instrument commences immediately after the commencement of the instrument IMMI 17/036, which commences on 1 July 2017.