

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (IMMI 17/096: Class of Persons and Specified Events for Class GG Visa and Subclass 408 (Temporary Activity) Visa) Instrument 2017

(subregulation 2.07(5) and paragraphs 408.229(b) and 408.229(c) of Schedule 2)

1. Instrument IMMI 17/096 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) and paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations.
2. The instrument repeals the instrument *Migration (IMMI 17/007: Class of Persons and Specified Events for Class GG Visa and Subclass 408 (Temporary Activity) Visa) Instrument 2017* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). The Interpretation Act 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 a class of persons for whom there is no first instalment of the visa application charge for a Temporary Activity (Class GG) visa, to specify an event that is an Australian Government endorsed event for the purposes of a Subclass 408 (Temporary Activity) visa and to specify classes of persons in relation to these events.
4. The purpose of instrument IMMI 17/096 is to update the specified class of persons for whom there is no first instalment of the visa application charge for a Temporary Activity (Class GG) visa to include a delegate accredited by the Department of Prime Minister and Cabinet to attend the ASEAN Australia Special Summit 2018, and to remove an applicant who is a participant in the Rugby League World Cup Festival of World Cups. This instrument also updates, for a subclass 408 (Temporary Activity) visa, the specified Australian Government endorsed events to include the ASEAN Australia Special Summit 2018 and the class of persons in relation to these events to

include a delegate accredited by the Department of Prime Minister and Cabinet to attend the ASEAN Australia Special Summit 2018.

5. Before this instrument was made, consultation was undertaken with the Department of Prime Minister and Cabinet who have been provided with advice on various visa options available and have requested use of the Temporary Activity (subclass 408) visa under the Australian Government Endorsed Event (AGEE) pathway with a nil VAC for accredited delegates for the ASEAN Australia Special Summit 2018 (the Summit).
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22608).
7. The delegate (Senior Executive Service Band One, Temporary Visa Programme Branch) who made this instrument was delegated the powers required to make the instrument in the instrument of delegation DEL 17/055 signed on 20 June 2017.
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 17/096 commences on the day after it is registered on the Federal Register of Legislation.