

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (IMMI 17/118: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017***(Paragraph 5.36(1A)(a))*

1. Instrument Migration (IMMI 17/118: Payment of Visa Application Charges and Fees in Foreign Currencies) is made under paragraph 5.36(1A)(a) of Part 5 of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals Migration (IMMI 17/036: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017 (F2017C00558) 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) which 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. The instrument operates for the Minister to specify foreign currencies and their relevant exchange rates in relation to the Australian Dollar to calculate the amount of a fee and a visa application charge (other than a visa application charge (VAC) payment to which subregulation 5.36(3A) of Part 5 of the Regulations applies) that must be paid in accordance with regulation 5.36 of Part 5 of the Regulations.
4. The purpose of the instrument is to undertake one of the biannual updates of the foreign currency exchange rates for the purposes of paragraph 5.36(1A)(a) of Part 5 of the Regulations which will be referred to as of 1 January 2018.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003* consultation was not necessary because 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 (OBPR Reference 22976).
7. 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.
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 2018.