

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (IMMI 17/130: 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 17/130 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 17/096: 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. Subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations allows the Minister to specify, in a legislative instrument, a class of persons for whom the first instalment of the visa application charge is nil.
4. Subregulation 408.229 of Schedule 2 to the Regulations provides that an applicant seeking to satisfy the primary criteria for a Subclass 408 (Temporary Activity) Visa, because of their involvement in an Australian Government endorsed event, must be seeking to enter or remain in Australia to undertake work directly associated with an event that has been specified in a legislative instrument, and must be in a class of persons specified by Minister in a legislative instrument in relation to the event.

5. The instrument operates for the Minister to:
- (a) specify, for the purposes of paragraph 1237(2)(a)(i) of Schedule 1 to the Regulations, a class of persons for whom there is no first instalment of the visa application charge for a Temporary Activity (Class GG) visa; and
 - (b) specify, for the purposes of paragraph 408.229(b) of Schedule 2 to the Regulations, an event that is an Australian Government endorsed event for the purposes of a Subclass 408 (Temporary Activity) visa; and
 - (c) specify, for the purposes of paragraph 408.229(c) of Schedule 2 to the Regulations, classes of persons in relation to the events specified for paragraph 408.229(b).
6. The purpose of instrument IMMI 17/130 is to update both the specified class of persons for paragraph 1237(2)(a)(i) of Schedule 1 to the Regulations, and the specified class of persons for paragraph 408.229(c) of Schedule 2 to the Regulations, to remove an accredited participant in the Rugby League World Cup 2017 and to include a person:
- (a) who is accredited by the Australian Military International Games to participate in the Invictus Games Sydney 2018 (Invictus Games), and
 - (b) who is:
 - i. an Invictus Games 2018 participating nations team member, including: competitors ; team managers; family and friends program managers; coaches; team officials; interpreters and translators; medical staff; support staff; and military media personnel; or
 - ii. a spouse, de facto partner, parent, sibling, child or friend of a competitor; or

- iii. an Invictus Games Foundation delegation member or the spouse, de facto partner or child of an Invictus Games Foundation delegation member; or
 - iv. an Invictus Games specialist staff member.
7. The purpose of this instrument is also to update, for the purposes of paragraph 408.229(c) of Schedule 2, the specified Australian Government endorsed events (AGEE) for a Subclass 408 (Temporary Activity) visa. This instrument removes the Rugby League World Cup 2017 as an AGEE and includes the Invictus Games as an AGEE.
 8. Before this instrument was made, consultation was undertaken with the Australian Military International Games (specifically the local organising committee), and with the Office for Sport in the Commonwealth Department of Health. The Office for Sport was provided with advice on various visa options available and requested use of the Subclass 408 (Temporary Activity) visa under the Australian Government Endorsed Event pathway with a nil VAC for accredited participants of the Invictus Games.
 9. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22927).
 10. 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.
 11. The instrument IMMI 17/130 commences on the day after it is registered on the Federal Register of Legislation.